

1 STATE OF NEW YORK : NASSAU COUNTY

2 COUNTY COURT : PART XIV

3 -----
4 THE PEOPLE OF THE STATE OF NEW YORK, :

5 - against - :

6 PAUL SCRIMO, :

7 Defendant. :

8 -----x

9 May 2, 2002
262 Old Country Road
Mineola, New York

10
11 B E F O R E:

12 THE HONORABLE JEFFREY BROWN,
County Court Judge.

13
14 A P P E A R A N C E S:

15 (As previously noted.)

16 * * *

17 THE CLERK: Indictment 1456N of 2000, the
18 People of the State of New York versus Paul Scrimo.
19 Case on trial. All parties present. The jurors are
20 not present at this time.

21 People ready?

22 MR. BIANCAVILLA: Ready.

23 THE CLERK: Defense ready?

24 MR. CHAMBERLAIN: Ready.

25 THE COURT: Bring in the jury.

Voir Dire - Court

1 (Whereupon, the panel of prospective jurors
2 entered the courtroom and resumed their respective
3 seats.)

4 THE COURT: Good morning, ladies and
5 gentlemen. Let me first apologize to you. From time
6 to time -- with all good intentions, we always try to
7 start on time, however, other court business, from time
8 to time, necessitates me starting a little late. All I
9 can do at this point is apologize to you and we'll try
10 to do better next time.

11 At this point we are ready to start
12 individually questioning the jurors who are in the box.
13 I will start with Anthony Contorno.

14 How are you, sir?

15 PROSPECTIVE JUROR: Fine.

16 THE COURT: You work for the US Customs
17 Service?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: You have friends in law
20 enforcement. People from your job, I presume?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And other places?

23 PROSPECTIVE JUROR: Just on the job.

24 THE COURT: You also served on a jury before.
25 Federal or State?

Voir Dire - Court

1 PROSPECTIVE JUROR: It was a civil case.

2 THE COURT: Did you get to deliberate?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Did you reach a verdict?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Was it a good jury experience for
7 you?

8 PROSPECTIVE JUROR: It was okay.

9 THE COURT: You've heard all the questions
10 asked of all the other jurors. Is there anything you
11 want to tell us?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Can you be a fair and impartial
14 juror in this case?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Thank you, sir.

17 Ellen Benson, how are you?

18 PROSPECTIVE JUROR: Good morning.

19 THE COURT: Good morning.

20 Now, you work for a school district?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And you have friends and
23 relatives in law enforcement. Can you tell us about
24 that?

25 PROSPECTIVE JUROR: Friends, a very old

Voir Dire - Court

1 friend, a family of friends.

2 THE COURT: Police officers?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: In Nassau or the City?

5 PROSPECTIVE JUROR: In Nassau and one is
6 retired from New York.

7 THE COURT: Okay. You checked off victim of
8 a crime. Do you want to tell us about that?

9 PROSPECTIVE JUROR: That was my mother. My
10 mother was held up at gunpoint. She was mugged and her
11 house was burglarized.

12 THE COURT: You checked off party to a civil
13 case.

14 PROSPECTIVE JUROR: That was my daughter.
15 When she was 17, she was in an automobile accident and
16 was sued and --

17 THE COURT: Was that case resolved?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Was it settled?

20 PROSPECTIVE JUROR: It was settled at the
21 door of the court.

22 THE COURT: Okay. Now, you've heard all the
23 questions that were asked. Is there anything you want
24 to tell us? Any reason you can't be a fair and
25 impartial juror in this case?

Voir Dire - Court

1 PROSPECTIVE JUROR: I am afraid of the thing
2 about the police.

3 THE COURT: What is that?

4 PROSPECTIVE JUROR: Well, a person my age was
5 raised when police were held in high respect. You
6 know, in the '40s, policemen were your friends.
7 Uniforms were good. I can't see myself not taking the
8 word of a police officer.

9 THE COURT: You must have heard me say it a
10 few times already, that police officers are like any
11 other witnesses who testify and you have to treat them
12 exactly the same.

13 PROSPECTIVE JUROR: That's right and my mind
14 would probably tell me that, but my instinct would be
15 to accept their word.

16 THE COURT: Even though I tell you what the
17 law is?

18 PROSPECTIVE JUROR: I know.

19 THE COURT: For example, if there were two
20 witnesses, one was a civilian and one was a police
21 officer testifying about the same thing, you're going
22 to tell me that you would believe the police officer
23 over the civilian?

24 PROSPECTIVE JUROR: I will give him the edge.
25 Plus, a policeman is a professional. I would think he

Voir Dire - Court

1 knew more about the business.

2 THE COURT: Well, that may be, that a police
3 officer may be trained with respect to certain things,
4 but I'm just concerned that you would be able to tell
5 us as you are sitting here that you would be able to
6 follow the law as I charge you.

7 You know, if you tell me you can't -- as I
8 said before -- I think many of us have said it --
9 there's no right or wrong answer here. It's just what
10 it is. If you tell me you can't, that's fine too.

11 PROSPECTIVE JUROR: The scales would tip in
12 favor of policemen. That's the way I was brought up.

13 THE COURT: Thank you.

14 Amy Landau?

15 PROSPECTIVE JUROR: Good morning.

16 THE COURT: Good morning. How are you?

17 PROSPECTIVE JUROR: Good. Thank you.

18 THE COURT: You are a teacher?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Now, you checked off that you
21 were on a civil case.

22 PROSPECTIVE JUROR: Yes, it settled while we
23 were at lunch.

24 THE COURT: That happens sometimes.

25 You checked off party to a civil case.

Voir Dire - Court

1 PROSPECTIVE JUROR: Yes, it settled with the
2 insurance company.

3 THE COURT: You've heard all the questions
4 asked. Is there anything you want to tell us?

5 PROSPECTIVE JUROR: I have some family
6 criminal history that I would like to talk to you in
7 private about, not this way.

8 THE COURT: I'll ask you to come up at the
9 end.

10 Edin Laikin?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You're a reporter for Newsday?

13 PROSPECTIVE JUROR: I am.

14 THE COURT: Now, what type of cases have you
15 reported on? Do you cover the courthouse?

16 PROSPECTIVE JUROR: I don't. I work on the
17 investigation team.

18 THE COURT: Feature stories you would see on
19 a Sunday in the newspaper?

20 PROSPECTIVE JUROR: We do long term projects,
21 corruption and things like that.

22 THE COURT: If you were to serve on this
23 jury, would it be a problem for you if I tell you not
24 to read the newspapers with respect to this case or --

25 PROSPECTIVE JUROR: You mean just these

Voir Dire - Court

1 articles, I can read the rest of paper?

2 THE COURT: I would have no problem with that
3 but I would tell you, not that there would be anything
4 in the paper, I don't know that, but, if there was,
5 would you have a problem with that?

6 PROSPECTIVE JUROR: I wouldn't have a problem
7 with that.

8 THE COURT: Or speaking to any of your fellow
9 reporters or researchers?

10 PROSPECTIVE JUROR: Not if I was told not to
11 but I do have to say, I don't know how appropriate it
12 is, I believe I remember the coverage of this case
13 pretty specifically.

14 THE COURT: I don't know, only you would know
15 that, but I appreciate you telling us that.

16 PROSPECTIVE JUROR: Can I approach?

17 THE COURT: I'll have you come forward later.
18 Laida Repetto, how are you?

19 PROSPECTIVE JUROR: Fine.

20 THE COURT: You have friends -- this says
21 your husband and nephew are police officers.

22 PROSPECTIVE JUROR: It's my husband's nephew.
23 He's an upstate trooper.

24 THE COURT: Now, you served also on a
25 criminal and civil case as a juror.

Voir Dire - Court

1 PROSPECTIVE JUROR: Yes, I did.

2 THE COURT: How long ago were you on a jury?

3 PROSPECTIVE JUROR: Four years ago on the
4 criminal, eight on the civil.

5 THE COURT: Was the criminal here in Nassau
6 County?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Did you deliberate and reach a
9 verdict?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Was it a good jury experience for
12 you?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: The civil case, did you also
15 deliberate?

16 PROSPECTIVE JUROR: It was settled out of
17 court as we went in.

18 THE COURT: Now, you have heard all the
19 questions asked. Is there anything you want to tell
20 us, any reason you can't be fair and impartial in this
21 case?

22 PROSPECTIVE JUROR: I could.

23 THE COURT: Let me rephrase it. Can you be a
24 fair and impartial juror in this case?

25 PROSPECTIVE JUROR: Yes.

Voir Dire - Court

1 THE COURT: Thank you.

2 Daniel Lubrano, how are you, sir?

3 PROSPECTIVE JUROR: Fine.

4 THE COURT: Now, you also have friends in law
5 enforcement, or relatives. Do you want to tell us
6 about that?

7 PROSPECTIVE JUROR: I have a nephew who is a
8 New York City policeman. Two close friends are retired
9 detectives from Freeport, and I have friends that are
10 New York City policemen, and Nassau County as well.

11 THE COURT: You checked off victim of a
12 crime. Do you want to tell us about that?

13 PROSPECTIVE JUROR: A long time ago, I was
14 about 12 years old, I was mugged and assaulted at
15 knifepoint.

16 THE COURT: Did you have to go to court?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Now, you also checked off
19 something. Can you tell us from your seat?

20 PROSPECTIVE JUROR: I would rather speak to
21 you in private.

22 THE COURT: I'll bring you up at the end.
23 Salvatore Arena, how are you?

24 PROSPECTIVE JUROR: Good. Thank you.

25 THE COURT: Now, you also have friends in law

Voir Dire - Court

1 enforcement, or relatives. Tell us about that please.

2 PROSPECTIVE JUROR: I have my wife's cousin,
3 her husband is a correction officer and his son is a
4 cop. And a friend of mine, his son is a cop in Nassau
5 and the other one is in the City.

6 THE COURT: You checked off some boxes also.
7 Can you tell us from your seat?

8 PROSPECTIVE JUROR: No.

9 THE COURT: We'll bring you up at the end.
10 Charney Anand?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You are a physician?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Where do you work?

15 PROSPECTIVE JUROR: I practice in Hicksville.

16 THE COURT: What type of practice do you
17 have?

18 PROSPECTIVE JUROR: Internal medicine.

19 THE COURT: You checked off victim of a
20 crime. Do you want to tell us about that?

21 PROSPECTIVE JUROR: A neighbor was
22 burglarized.

23 THE COURT: Also a party to a civil case.

24 PROSPECTIVE JUROR: Malpractice.

25 THE COURT: Is that still pending?

Voir Dire - Court

1 PROSPECTIVE JUROR: No, it was settled.

2 THE COURT: You heard all the questions that
3 were asked?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Is there anything you want to
6 tell us?

7 PROSPECTIVE JUROR: Could I speak to you
8 later?

9 THE COURT: You can, if it's something you
10 can't say out loud.

11 PROSPECTIVE JUROR: I have two young kids.
12 You had mentioned something about children under 16.
13 I'm the sole caregiver, but it would be --

14 THE COURT: Who watches them when you are at
15 work?

16 PROSPECTIVE JUROR: A baby-sitter.

17 THE COURT: Would your baby-sitter be able to
18 watch your children while we are on trial?

19 PROSPECTIVE JUROR: If the jury gets
20 sequestered --

21 THE COURT: Like any case, there's always a
22 possibility. At this point, we don't plan on
23 sequestering the jury.

24 PROSPECTIVE JUROR: I guess in that case,
25 okay.

Voir Dire - Court

1 THE COURT: Is there any reason -- can you be
2 a fair and impartial juror in this case?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Thank you.

5 Emile Kuster, how are you?

6 PROSPECTIVE JUROR: Nervous and upset.

7 THE COURT: Why is that?

8 PROSPECTIVE JUROR: I just feel like I am
9 locked up already.

10 THE COURT: All you have been doing is
11 sitting in the chair for half an hour.

12 PROSPECTIVE JUROR: I know. With all the
13 rules and regulations they send you, if you don't do
14 this and don't do that, you're liable for something.

15 THE COURT: You're not in trouble. You're
16 doing what you are supposed to be doing. You came to
17 court.

18 PROSPECTIVE JUROR: I don't know if I can
19 decide on someone else's fate if I'm this uneasy
20 already.

21 THE COURT: First of all, let me ask you some
22 questions. Do you have friends or family in law
23 enforcement?

24 PROSPECTIVE JUROR: I got a niece that is a
25 probation officer in the FBI.

Voir Dire - Court

1 THE COURT: Somebody is in the FBI and --

2 PROSPECTIVE JUROR: No, a probation officer
3 in the FBI.

4 THE COURT: That's usually not the same but
5 that may be.

6 PROSPECTIVE JUROR: She works for probation.

7 THE COURT: Okay. You were a party to a
8 civil case?

9 PROSPECTIVE JUROR: Yeah, I was hurt at work
10 and sued a third party for the accident.

11 THE COURT: You said you have a medical
12 problem. Can you tell us about that?

13 PROSPECTIVE JUROR: I have a prostrate
14 condition and take blood pressure pills with water
15 pills so I run frequently.

16 THE COURT: I probably said this to some of
17 the others, if you need to take a break, if you were
18 picked for the jury, all you would have to do is raise
19 your hand and we would certainly take a break. That's
20 not a problem. I don't want you to be concerned about
21 that.

22 PROSPECTIVE JUROR: Well, I didn't know.

23 THE COURT: I am glad you mentioned it.

24 PROSPECTIVE JUROR: I didn't think you could
25 interrupt a court case.

Voir Dire - Court

1 THE COURT: If you raised your hand and said
2 you needed to take a break, we would. We take breaks
3 during the course of the trial. I can't exactly say if
4 it would be more or less than an hour which we usually
5 take. But if something came up, all you would have to
6 do is raise your hand and we would take a break.

7 Now, you've heard all the questions that were
8 asked. Is there anything you want to tell us?

9 PROSPECTIVE JUROR: Yeah, I don't think I
10 could decide on another man's fate when I don't feel
11 that easy myself just being here.

12 THE COURT: Let me ask you this. You know,
13 the only way I suppose I can ask you this question is
14 that this man sitting here, he's innocent as he sits
15 here, and the burden is on the prosecution to prove
16 beyond a reasonable doubt that he committed the crimes
17 alleged in the indictment.

18 Now, they are going to produce witnesses and
19 there will be exhibits. Do you promise us that you
20 would listen to the evidence that comes from the
21 witness stand and look at the exhibits? I would charge
22 you with the law and do you promise you would listen to
23 the law and accept the law as I give it to you, and
24 then when you got in the jury room, could you sit with
25 your fellow jurors and talk about the case and give and

Voir Dire - Court

1 take between you and come to a well reasoned verdict?
2 Can you promise us that?

3 PROSPECTIVE JUROR: I don't think I can do
4 that.

5 THE COURT: You just feel --

6 PROSPECTIVE JUROR: I don't feel I can do
7 that.

8 THE COURT: Okay. Thank you.

9 Jacqueline Ilordi, how are you?

10 PROSPECTIVE JUROR: Nervous.

11 THE COURT: Don't be. There's nothing to be
12 nervous about. Are you nervous because you are sitting
13 here as a potential juror?

14 PROSPECTIVE JUROR: Yes, and the type of case
15 it is.

16 THE COURT: Are you saying because of the
17 allegations in this indictment you feel that you would
18 be better in a different type of case?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Matter of fact, let me ask you
21 some things. You left a lot of blanks on your form. I
22 don't know if you realize that. You checked off victim
23 of a crime. You checked off yes but then didn't check
24 anything for the following four questions. Did you
25 mean to check off no or yes?

Voir Dire - Court

1 PROSPECTIVE JUROR: I don't remember the
2 question.

3 THE COURT: Witness to a crime, accused of a
4 crime, victim of a crime and party to a civil case.

5 PROSPECTIVE JUROR: No.

6 THE COURT: Could you tell us about victim of
7 a crime?

8 PROSPECTIVE JUROR: I was mugged about ten
9 years ago in the street. That was very upsetting.

10 THE COURT: Okay. Also, you have friends in
11 law enforcement. Do you want to tell us about that?

12 PROSPECTIVE JUROR: My cousin is a retired
13 detective.

14 THE COURT: Nassau County or the City?

15 PROSPECTIVE JUROR: I think he was in the
16 City.

17 THE COURT: Now, you've heard all the
18 questions asked. Is there anything you want to tell
19 us?

20 PROSPECTIVE JUROR: I don't think I can be a
21 fair and impartial juror. It's very upsetting to me.

22 THE COURT: Are you saying because you're --
23 you're so upset you wouldn't be able to listen to the
24 evidence?

25 PROSPECTIVE JUROR: I wouldn't be able to see

Voir Dire - Court

1 disturbing pictures.

2 THE COURT: Is that the only reason or is
3 there more, just so I know the full picture? You heard
4 what I said before about listening to the evidence and
5 the law. Can you assure us that you can do that?

6 PROSPECTIVE JUROR: I don't think so.

7 THE COURT: Thank you.

8 Gary Schor.

9 PROSPECTIVE JUROR: Good morning.

10 THE COURT: Good morning. How are you?

11 PROSPECTIVE JUROR: Fine.

12 THE COURT: You are a principal at an
13 elementary school, right?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you have relatives in law
16 enforcement or friends?

17 PROSPECTIVE JUROR: My son is an ADA in
18 Westchester.

19 THE COURT: What types of cases does your son
20 handle?

21 PROSPECTIVE JUROR: He was in Queens for
22 three years. Now he does domestic abuse cases. He did
23 homicide investigations, appeals.

24 THE COURT: You checked off victim of a
25 crime.

Voir Dire - Court

1 PROSPECTIVE JUROR: Over 30 years ago I was
2 mugged, and my oldest son, as a teenager, was shot with
3 a pellet gun as he was protecting a friend whose
4 bicycle was being stolen.

5 THE COURT: Now, you checked off jury service
6 several years ago but then you checked off no about
7 serving. I assume you were called down but never made
8 it on a jury.

9 PROSPECTIVE JUROR: Once I was impaneled but
10 the case was settled as soon as we were impaneled.

11 THE COURT: Was this a civil case?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there anything you would like
14 to tell us?

15 PROSPECTIVE JUROR: It would be a hardship at
16 school to serve. We have four state math tests next
17 week and science after that.

18 THE COURT: I have to ask this question, do
19 you have an assistant principal?

20 PROSPECTIVE JUROR: No, I don't.

21 THE COURT: So if you are not there, there
22 would be nobody there to administer the school?

23 PROSPECTIVE JUROR: Right.

24 THE COURT: Let me ask you, can you be a fair
25 and impartial juror?

Voir Dire - Court

1 PROSPECTIVE JUROR: Yes, I can.

2 THE COURT: Thank you, sir.

3 Tyrone Bennett, how are you?

4 PROSPECTIVE JUROR: I'm all right.

5 THE COURT: Good.

6 Now, you checked off friends and relatives in
7 law enforcement. Do you want to tell us about that?

8 PROSPECTIVE JUROR: I have an uncle who is a
9 state trooper and friends in New York City Police
10 Department, Nassau County and Hempstead.

11 THE COURT: Witness to a crime, can you tell
12 me about that?

13 PROSPECTIVE JUROR: I have witnessed a lot.
14 Victim, I got my car stolen.

15 THE COURT: When you say you witnessed a lot
16 of crimes, can you tell us some of the crimes you
17 witnessed?

18 PROSPECTIVE JUROR: I was sitting at the
19 store. A homeless guy was asking for a ride. The guy
20 was getting out of the car to go to the store and the
21 guy leaves the car running and the guy jumps in the car
22 and takes off, stuff like that.

23 THE COURT: You checked off something else.
24 Do you want to tell us from there?

25 PROSPECTIVE JUROR: I got arrested at Hofstra

Voir Dire - Court

1 for trespassing because I was arguing with security.

2 THE COURT: Did you have to go to court as a
3 result of that?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Do you understand that the same
6 district attorney's office that prosecuted you with
7 respect to the trespass is the one that's prosecuting
8 this case? Will that be a problem for you?

9 PROSPECTIVE JUROR: Yep.

10 THE COURT: You don't feel you could be a
11 fair and impartial juror in this case?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR: You are welcome.

15 THE COURT: Janet Christenson, how are you?

16 PROSPECTIVE JUROR: Hi.

17 THE COURT: You checked -- you have a lot of
18 no boxes. Generally, let me ask, is there anything you
19 want to tell us?

20 PROSPECTIVE JUROR: Yes. I understand from
21 being in court yesterday the case involves gangs and
22 bikers. Several years back I had a relationship with
23 someone who is in a gang who happened to be a biker.
24 It was an abusive relationship and I was taken
25 advantage of financially and emotionally. I don't

Voir Dire - Court

1 think I could remain impartial.

2 THE COURT: I'm not so sure. We haven't
3 heard evidence. Counsel asking certain questions
4 doesn't mean the case involves bikers or anything of
5 that nature, but you're saying if the evidence happens
6 to be that it involved bikers --

7 PROSPECTIVE JUROR: I don't look favorably
8 upon that life-style.

9 THE COURT: Otherwise, can you be a fair and
10 impartial juror?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Martha Barkman, good morning.

13 PROSPECTIVE JUROR: Good morning.

14 THE COURT: You checked off you were on a
15 civil jury back in 1992.

16 PROSPECTIVE JUROR: Right.

17 THE COURT: Did you get to deliberate?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Was the case settled?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: You checked off party to a civil
22 case?

23 PROSPECTIVE JUROR: Yes, my husband,
24 litigation between two business partners. He's just a
25 witness.

Voir Dire - Court

1 THE COURT: So it's really not a party?

2 PROSPECTIVE JUROR: Right. Right.

3 THE COURT: You've heard all the questions.

4 Is there anything you want to tell us?

5 PROSPECTIVE JUROR: Just being a school
6 teacher, I'm concerned about the length of the trial.

7 THE COURT: But can you still be a fair and
8 impartial juror in this case?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Thank you.

11 Counsel, approach the bench, please.

12 (Whereupon, the following took place at the
13 bench outside of the hearing of the prospective
14 jurors and defendant.)

15 THE COURT: Amy Landau, do you want to
16 approach?

17 PROSPECTIVE JUROR: A cousin of mine was
18 accused of murdering somebody and spent years in jail
19 and my family really felt that he was wrongly accused.
20 I just saw what happens.

21 THE COURT: Keep your voice lower.

22 PROSPECTIVE JUROR: I just saw what happened
23 when someone's fate is decided and the family thinks
24 it's wrong. I don't know if I can honestly do that.

25 THE COURT: Are you saying because of the

Voir Dire - Court

1 nature of the crime alleged in the indictment you feel
2 uncomfortable serving on a murder case because of what
3 happened?

4 PROSPECTIVE JUROR: Yes. It was a hell's
5 angel too. Pagan came up. It's just a lot of bad --

6 THE COURT: It doesn't necessarily mean
7 there's going to be anything related to gangs. Counsel
8 is just entitled to ask certain questions to get
9 people's opinions on certain subjects.

10 You are saying because of this being an
11 allegation of murder that you don't think you would be
12 appropriate on this case?

13 Counsel?

14 MR. BIANCAVILLA: No questions from the
15 People.

16 MR. CHAMBERLAIN: The fact that your cousin
17 was perhaps wrongly accused in that case, can you
18 disassociate that and listen to this case?

19 PROSPECTIVE JUROR: I can tell you I would
20 try, but I saw it rip my whole family apart and I can't
21 promise more than that I would try.

22 THE COURT: Thank you. Have a seat.

23 (Whereupon, the prospective juror returned to
24 her seat.)

25 MR. BIANCAVILLA: Judge, why don't you excuse

Voir Dire - Court

1 her?

2 THE COURT: Do you consent?

3 MR. BIANCAVILLA: Judge, I'll make my
4 argument now that's clearly for cause.

5 MR. CHAMBERLAIN: I'll consent, Judge.

6 THE COURT: We'll do it at the end.

7 MR. BIANCAVILLA: Okay.

8 MR. CHAMBERLAIN: Are you doing these one at
9 a time or all together at the end?

10 THE COURT: We'll see how it goes.

11 Edin Laikin.

12 PROSPECTIVE JUROR: I remember the case. I'm
13 one town over. I talked to friends about it. I have
14 eaten there. I just wanted to let you know that. I
15 remember the details when it was covered.

16 THE COURT: Counsel, is this the same case?

17 MR. BIANCAVILLA: Yes.

18 PROSPECTIVE JUROR: I remember the name. I'm
19 pretty sure.

20 THE COURT: You don't think you can be fair
21 and impartial?

22 PROSPECTIVE JUROR: I think I could.

23 THE COURT: You've already told us that you
24 have already read the stories in the papers with
25 respect to -- I presume the arrest.

Voir Dire - Court

1 PROSPECTIVE JUROR: Right.

2 THE COURT: Do you think that you can
3 disassociate that and just listen to the evidence here
4 and listen to the law as I give it to you?

5 PROSPECTIVE JUROR: I believe so. Before
6 when I heard you talk, I was thinking that he was
7 arrested and that's who did it. But once you say just
8 because someone is indicted doesn't mean anything, you
9 are right. I would have an open mind.

10 THE COURT: As you stand here now, can you be
11 a fair and impartial juror and listen to the evidence
12 and law as I give it to you?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And come to a well reasoned
15 decision?

16 PROSPECTIVE JUROR: I believe so.

17 THE COURT: Thank you. Have a seat.

18 (Whereupon, the prospective juror returned to
19 his seat.)

20 THE COURT: Daniel Lubrano.

21 Sir, you checked off convicted of a crime.

22 PROSPECTIVE JUROR: My brother was a heroin
23 addict and he committed an armed robbery.

24 THE COURT: Was that in Nassau County?

25 PROSPECTIVE JUROR: Yes.

Voir Dire - Court

1 THE COURT: Do you understand that the same
2 district attorney's office that prosecuted your brother
3 is prosecuting this case? Would you be able to
4 disassociate yourself?

5 PROSPECTIVE JUROR: Yes, I have no problem
6 with that.

7 THE COURT: Can you be a fair and impartial
8 juror in this case?

9 PROSPECTIVE JUROR: Yes. But, if I may, it
10 would be a hardship for me because I'm the sole
11 proprietor of a small business. If I don't go to work,
12 the business doesn't function until I come back. If
13 this is going to be long, it would be a real hardship.

14 MR. BIANCAVILLA: People consent, Judge.

15 MR. CHAMBERLAIN: Consent.

16 THE COURT: Have a seat for the moment.

17 (Whereupon, the prospective juror returned to
18 his seat.)

19 THE COURT: Salvatore Arena.

20 You've checked off accused?

21 PROSPECTIVE JUROR: I don't think I can
22 qualify for any criminal case. I have a relative,
23 close relative that's been accused and convicted and is
24 serving life. It's mob related and everything else.
25 From what I saw -- I went to three trials.

Voir Dire - Court

1 THE COURT: You sat through the trials?

2 PROSPECTIVE JUROR: Yes. To me, like I say,
3 I don't think I can accept a lot of things no more and
4 that's the truth.

5 THE COURT: You wouldn't be able to listen to
6 the evidence? You would come in with preconceived
7 notions?

8 PROSPECTIVE JUROR: I am trying to tell you
9 the truth. I don't think I'm qualified to be there
10 because of the way I feel. Certain things happen in a
11 trial. Certain witnesses are put on and it's not fair
12 to either one of them.

13 MR. BIANCAVILLA: People consent.

14 MR. CHAMBERLAIN: I have some questions.

15 THE COURT: Certainly.

16 MR. CHAMBERLAIN: The relative you're talking
17 about, what relation was it? Was it a close relative?

18 PROSPECTIVE JUROR: Am I allowed to say that?

19 THE COURT: Yes.

20 PROSPECTIVE JUROR: Cousin, very close. We
21 grew up together, you know.

22 MR. CHAMBERLAIN: That was another case. If
23 the Judge told you just to listen to the facts of this
24 case.

25 PROSPECTIVE JUROR: It's still similar and my

Voir Dire - Court

1 judgment is things were done wrong, deals, whatever you
2 want to call it, and it wouldn't be fair for me to
3 judge one or the other. That's why I'm saying that.

4 THE COURT: Do you think you are better
5 suited for a civil case than a criminal case?

6 PROSPECTIVE JUROR: Yes, I don't think I
7 should be on a criminal case.

8 MR. CHAMBERLAIN: Consent.

9 THE COURT: We'll excuse you. Have a seat
10 for a moment.

11 MR. CHAMBERLAIN: Thank you.

12 (Whereupon, the prospective juror returned to
13 his seat.)

14 THE COURT: Emile Kuster, did you ask to
15 approach the bench?

16 PROSPECTIVE JUROR: That was the prostrate
17 thing.

18 THE COURT: Jacqueline Ilordi.

19 PROSPECTIVE JUROR: No.

20 THE COURT: It's not necessary. Okay.

21 Counsel, we have consent on three. I'll
22 refill the box.

23 MR. BIANCAVILLA: Judge, Kuster said he can't
24 decide someone's fate. That was the guy with the
25 prostrate problem in the back.

Voir Dire - Court

1 MR. CHAMBERLAIN: I would like to ask
2 questions.

3 THE COURT: We'll keep him.

4 MR. BIANCAVILLA: And Mr. Bennett has been
5 arrested for trespass at Hofstra and he also said he
6 couldn't be fair to us.

7 MR. CHAMBERLAIN: Which one is that?

8 THE COURT: Bennett.

9 MR. CHAMBERLAIN: I'll have to go along. No
10 sense wasting time.

11 THE COURT: We'll excuse Mr. Bennett.

12 MR. BIANCAVILLA: Miss Ilordi said she can't
13 be fair and impartial. She's nervous and doesn't want
14 to sit because of the type of case.

15 MR. CHAMBERLAIN: Consent.

16 THE COURT: We will excuse her. Just so it's
17 clear, Ilordi, Landau, Arena and Bennett will be
18 excused on consent for cause; is that correct, counsel?

19 MR. BIANCAVILLA: Yes.

20 MR. CHAMBERLAIN: Yes.

21 (Whereupon, the following took place in open
22 court.)

23 THE CLERK: May I have your attention. The
24 following jurors have been excused with the thanks of
25 the Court. If I call your name, take your belongings

Voir Dire - Court

1 and step outside. The court officer will direct you.
2 Jacqueline Ilordi, Salvatore Arena, Daniel Lubrano, Amy
3 Landau and Tyrone Bennett.

4 THE COURT: Fill those seats, please.

5 THE CLERK: Leslie Droogan, seat three;
6 Burton Sacks, seat number six; John Phelan, seat number
7 seven; Sandra Burelli, seat number 10; Kenneth Siff,
8 seat number 12.

9 THE COURT: Leslie Droogan.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: How are you?

12 PROSPECTIVE JUROR: Good.

13 THE COURT: You work for Tiffany and Company?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: In Manhattan?

16 PROSPECTIVE JUROR: Manhasset.

17 THE COURT: You have close friends in law
18 enforcement or relatives?

19 PROSPECTIVE JUROR: My husband is an attorney
20 and my brother-in-law is a criminal defense attorney.

21 THE COURT: What type of law does your
22 husband practice?

23 PROSPECTIVE JUROR: Mostly civil. He does
24 general, but mostly civil.

25 THE COURT: Where does your brother-in-law

Voir Dire - Court

1 practice?

2 PROSPECTIVE JUROR: California. He
3 actually -- he practices every where really, but
4 basically California.

5 THE COURT: You checked off victim of a
6 crime.

7 PROSPECTIVE JUROR: A friend of mine was
8 murdered. I wasn't a victim but my friend was
9 murdered.

10 THE COURT: You understand what the
11 allegations are here. Would that cause a problem for
12 you? Would you be able to disassociate and consider
13 the evidence in this case and not be affected by what
14 happened with respect to your friend?

15 PROSPECTIVE JUROR: I think, with my friend,
16 I wouldn't have a problem with that. I have more of a
17 problem with the attorney thing.

18 THE COURT: You checked off you had something
19 you wanted to bring to my attention.

20 PROSPECTIVE JUROR: Next Thursday my son
21 graduates from college so that could be a problem.

22 THE COURT: Where is it, out of town?

23 PROSPECTIVE JUROR: Penn State.

24 THE COURT: That's about five hours from
25 here.

Voir Dire - Court

1 PROSPECTIVE JUROR: Right.

2 THE COURT: Let me just ask you, generally
3 can you be a fair and impartial juror in this case?

4 PROSPECTIVE JUROR: I don't know. Really, I
5 would like to say yes, but I'm not sure because of my
6 brother-in-law really, not my husband.

7 THE COURT: Does your brother-in-law talk to
8 you a lot about what he does?

9 PROSPECTIVE JUROR: I know a lot about what
10 he does. My sister tells me.

11 THE COURT: I appreciate your candor. Thank
12 you.

13 PROSPECTIVE JUROR: You are welcome.

14 THE COURT: Burton Sacks, good morning.

15 PROSPECTIVE JUROR: Good morning.

16 THE COURT: You work for the City Board of
17 Ed?

18 PROSPECTIVE JUROR: Chief executive for the
19 New York City Board of Education.

20 THE COURT: You're at 110 Livingston Street?

21 PROSPECTIVE JUROR: That's right.

22 THE COURT: You checked off friends in law
23 enforcement.

24 PROSPECTIVE JUROR: Yes, one of my
25 responsibilities is the division of school safety. The

Voir Dire - Court

1 police department, I work with the police department on
2 a daily basis. The new police commissioner of Nassau
3 County, he worked with me as head of school safety. I
4 deal with the police every single day.

5 THE COURT: Do you understand what I told you
6 with respect to police officers and how they should be
7 treated like anybody else who appears in this
8 courtroom? Can you assure us you can follow that rule
9 of law?

10 PROSPECTIVE JUROR: Absolutely. I deal with
11 them every single day.

12 THE COURT: You said you wanted to speak to
13 me about something. Can you tell me from your seat?

14 PROSPECTIVE JUROR: No.

15 THE COURT: We'll call you up later.

16 John Phelan, good morning.

17 PROSPECTIVE JUROR: Good morning.

18 THE COURT: You have friend in law
19 enforcement or relatives?

20 PROSPECTIVE JUROR: Yes, I have a nephew in
21 Rochester. One brother-in-law was department inspector
22 in New York City and my other brother-in-law was the
23 recently retired chief of homicide in Nassau County.

24 THE COURT: You've heard all the questions
25 asked of the other potential jurors. Is there anything

Voir Dire - Court

1 you want to tell us, any reason you can't be fair and
2 impartial in this case?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Thank you.

5 Sandra Burelli, how are you?

6 PROSPECTIVE JUROR: Okay.

7 THE COURT: You checked off victim of a
8 crime.

9 PROSPECTIVE JUROR: My house was burglarized
10 last March of 2001 and then I also got hit by a drunk
11 driver in 2001. Denis Dillon was actually the DA in
12 charge of that case.

13 THE COURT: So you know Mr. Dillon?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: You've spoken to him, I should
16 say?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Now, you said party to a civil
19 case.

20 PROSPECTIVE JUROR: A lawsuit -- my house
21 also burned down last year before it was burglarized.
22 I had a bad year. We have a lawsuit -- my family has a
23 lawsuit with a TV company and I have a lawsuit with the
24 guy that hit me.

25 THE COURT: They are all still pending?

Voir Dire - Court

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: You've heard all the questions
3 that were asked. Is there anything you want to tell
4 us, any reason you can't be a fair and impartial juror
5 in this case?

6 PROSPECTIVE JUROR: It's a murder trial and I
7 don't know if I want that kind of responsibility.

8 THE COURT: Are you saying because of the
9 nature of the allegations here you feel that you can't
10 be fair and impartial, is that what you are telling us?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you feel you'll be able to do
13 it with respect to another type of crime or civil case
14 but not with respect to a murder?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Thank you.

17 Kenneth Siff.

18 PROSPECTIVE JUROR: Good morning.

19 THE COURT: How are you?

20 PROSPECTIVE JUROR: Okay.

21 THE COURT: Route sales for Entenmann's?

22 PROSPECTIVE JUROR: Right.

23 THE COURT: Great cake. You checked off
24 party to a civil case. Do you want to tell us about
25 that?

Voir Dire - Court

1 PROSPECTIVE JUROR: I was a third party to a
2 suit where I owned a bicycle and someone got hurt on
3 it. They sued the manufacturer of the bike company and
4 I was brought in on that.

5 THE COURT: Is that pending?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Settled.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You checked off law enforcement.
10 Tell us about that.

11 PROSPECTIVE JUROR: I have a niece that is a
12 NYPD officer, a friend that's with DEA, drug
13 enforcement agency, a friend in the Port Authority
14 Police Department at Kennedy.

15 THE COURT: Now, you've heard all the
16 questions. Is there anything you want to tell us?

17 Can you be a fair and impartial juror in this
18 case?

19 THE DEFENDANT: I tend to side with law
20 enforcement. I tend to think they are doing their job.
21 Why else would -- I don't think they go out to make
22 lies and bring cases against people generally, so I
23 tend to go along with them.

24 THE COURT: You've heard my precharge with
25 respect to -- I told you the indictment is just a

Voir Dire - Court

1 vehicle for bringing someone into court. It's not
2 evidence of anything. All of the evidence has to come
3 from the witness stand and you also heard me tell you
4 that this man as he sits here is innocent and the
5 burden is on the People to prove his guilt beyond a
6 reasonable doubt for each and every count alleged in
7 the indictment.

8 Can you assure us you can do that, listen to
9 the evidence and listen to the law as I give it to you
10 and reason with your fellow jurors and come to a well
11 reasoned verdict?

12 PROSPECTIVE JUROR: I guess I could try.

13 THE COURT: You can't equivocate. Understand
14 there's no right answer.

15 PROSPECTIVE JUROR: My general feelings
16 toward the way I think about things, I've told you -- I
17 guess I could be impartial and listen to what's going
18 on and make a judgment.

19 THE COURT: Let me ask you this way, can you
20 be a fair and impartial juror in this case, knowing all
21 I told you with respect to the law and with respect to,
22 you know, my recharge, with respect to all the
23 difference facets of this case, can you promise us
24 you'll be fair and impartial?

25 PROSPECTIVE JUROR: Yes.

Voir Dire - Court

1 THE COURT: Counsel, approach the bench,
2 please.

3 (Whereupon, the following took place at the
4 bench outside of the hearing of the prospective
5 jurors and defendant.)

6 THE COURT: Mr. Sacks.

7 PROSPECTIVE JUROR: I'm chief executive of
8 this board and I was working all night on the budget.
9 This is a tremendous hardship for me to be out for two
10 weeks. I had the chancellor on the phone all morning.
11 It's just a very, very difficult time.

12 THE COURT: You report to the chancellor.

13 PROSPECTIVE JUROR: Directly, Harold Levy.
14 Also my sister-in-law is a defense attorney, Deborah
15 Cordova. She knows you and you. Plus, I'm on 24,
16 seven days a week in my job. My e-mails are just
17 beeping as I'm sitting here.

18 THE COURT: Questions by either counsel?

19 MR. CHAMBERLAIN: I'll consent.

20 MR. BIANCAVILLA: Consent.

21 THE COURT: Just have a seat for a moment.

22 (Whereupon, the prospective juror returned to
23 his seat.)

24 THE COURT: Consent as to Droogan? Counsel,
25 you consent that Miss Droogan can be excused for cause;

Voir Dire - Court

1 is that correct?

2 MR. CHAMBERLAIN: Yes.

3 MR. BIANCAVILLA: Yes.

4 THE COURT: Anybody else?

5 MR. BIANCAVILLA: No.

6 MR. CHAMBERLAIN: No.

7 THE COURT: We'll refill the box with respect
8 to these two. Counsel, I want to remind you the next
9 round is 20 minutes.

10 MR. BIANCAVILLA: Okay.

11 MR. CHAMBERLAIN: When juror number 12 says,
12 after being probed repeatedly, they'll try -- first
13 they say they can't be impartial and your Honor says
14 can they, we'll try, I guess that type of response --

15 THE COURT: Mr. Chamberlain, at this juncture
16 each counsel has a right to try to rehabilitate any of
17 the potential jurors. And at the conclusion, you can
18 make your application with respect to cause.

19 MR. CHAMBERLAIN: All right.

20 (Whereupon, the following took place in open
21 court.)

22 THE CLERK: The following jurors have been
23 excused from this jury panel. If you hear your name
24 called, please gather your personnel belongings and
25 step out of the box and follow the instructions of the

Voir Dire - Court

1 court officer: Leslie Droogan and Burton Sacks.

2 F. Michael Whelan, please take seat number
3 three; Denise Sawyer, seat number six.

4 THE COURT: F. Michael Whelan, how are you?

5 PROSPECTIVE JUROR: Good.

6 THE COURT: You checked of a few things.
7 Tell us about law enforcement.

8 PROSPECTIVE JUROR: My grandpa was a New York
9 City cop. I don't think that would apply. The
10 majority of my friends -- I live in Massapequa. Mostly
11 I know Nassau County, City of New York cops and
12 firemen. Also, I noticed yesterday when you were
13 reading the names of the people testifying, I know the
14 daughter of one of the detectives, Detective Costello.
15 I don't know if it matters.

16 THE COURT: Do you know Detective Costello?

17 PROSPECTIVE JUROR: No.

18 THE COURT: You checked off victim and
19 witnesses to a crime.

20 PROSPECTIVE JUROR: It wasn't me. It was my
21 two life long friends. My best man at my wedding went
22 out to a bar one night and they both got shot and one
23 got killed.

24 THE COURT: You know what the allegations are
25 here, it's a murder trial.

Voir Dire - Court

1 PROSPECTIVE JUROR: Sounds similar.

2 THE COURT: You don't know much about this
3 case. I just want to know, generally, knowing the
4 nature of this charge, can you assure us you can sit
5 fairly and impartially as a juror on this type of case?

6 PROSPECTIVE JUROR: No, I'm not positive.

7 THE COURT: Is that as a result of what
8 happened with respect to your friends?

9 PROSPECTIVE JUROR: Yes. Plus, they got off
10 on some kind of stupid thing. I was busy raising kids
11 at that time. I don't know exactly what happened but
12 it was stupid. The guy never went to jail or anything.

13 THE COURT: Was that in Nassau County?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you understand that the office
16 that prosecuted the case of your friends, or the
17 victims, is the same office prosecuting this case?
18 Would you have a problem with respect that?

19 PROSPECTIVE JUROR: Just a general problem,
20 not specifically against the DA or anything of that
21 nature.

22 THE COURT: I want to make sure you're not
23 holding any hostilities.

24 PROSPECTIVE JUROR: No, just the system in
25 general, not the DA.

Voir Dire - Court

1 THE COURT: You also checked off party to a
2 civil case.

3 PROSPECTIVE JUROR: It was a car crash that
4 was settled a long time ago.

5 THE COURT: Settled.

6 PROSPECTIVE JUROR: Yes, long time ago.

7 THE COURT: I understand that you are a
8 teacher and that Regents are in five weeks.

9 PROSPECTIVE JUROR: Physics. Two days is all
10 right, couple days or nights, but I don't know how long
11 this will last and I would be stressed out.

12 THE COURT: We're estimating two weeks.

13 PROSPECTIVE JUROR: That would be fine.

14 THE COURT: When is the physics exam,
15 sometime in June?

16 PROSPECTIVE JUROR: I don't know the exact
17 date. Second week in June maybe, maybe after the 17th.

18 THE COURT: Thank you, sir.

19 Denise Sawyer, how are you today?

20 PROSPECTIVE JUROR: Good.

21 THE COURT: Glad to hear it. You checked off
22 you work for Verizon, the phone company?

23 PROSPECTIVE JUROR: Don't say that too loud,
24 please.

25 THE COURT: Okay. Now, you checked off close

Voir Dire - Court

1 friends and relatives in law enforcement. Tell us
2 about that.

3 PROSPECTIVE JUROR: I have family members in
4 law enforcement, yes.

5 THE COURT: You also checked off victim.

6 PROSPECTIVE JUROR: It was a long time ago,
7 but my paternal grandfather was the victim of a crime.
8 He was killed.

9 THE COURT: Was anybody arrested as a result
10 of that?

11 PROSPECTIVE JUROR: No.

12 THE COURT: You checked off some other
13 things. Can you tell us from your seat?

14 PROSPECTIVE JUROR: Yes. I do have a family
15 member who was arrested and convicted of, I think,
16 assault. I'm not even sure because I'm not close to
17 this person.

18 THE COURT: Was that here in Nassau County?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Would that cause you any problem
21 with respect to sitting on this case?

22 PROSPECTIVE JUROR: No. He was guilty so he
23 went to jail.

24 THE COURT: You've heard all of the
25 questions. Is there anything you want to tell us?

Voir Dire - Court

1 PROSPECTIVE JUROR: No, not really. This is
2 my first jury experience so I'm a little nervous.

3 THE COURT: It's not something to be nervous
4 about.

5 Can you be a fair and impartial juror case?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you.

8 Mr. Biancavilla.

9 (Whereupon, voir dire examination, not
10 stenographically recorded, was conducted.)

11 THE COURT: Ladies and gentlemen, we have
12 been going for quite some time. I think it would be a
13 good idea, at this point, to take a break. We'll make
14 it real short, five minutes.

15 Do not discuss the case amongst yourselves or
16 with anyone else. Keep an open mind. Do not form or
17 express any opinions until the entire case has been
18 completed.

19 Do not read or listen to any accounts of the
20 case should they be reported in the media. Do not
21 visit or view any place or premises that have been
22 mentioned.

23 You are not to permit any party to discuss
24 the case with you or attempt to influence you, and you
25 must promptly report to the Court any violation

Voir Dire - Court

1 Mr. Chamberlain?

2 MR. CHAMBERLAIN: I don't know -- that's on
3 expert testimony. I don't think that, in and of
4 itself, would be basis for disqualification. I
5 personally think she would make a good juror based upon
6 her other answers.

7 THE COURT: As we all know, an expert is not
8 supposed to bring their expertise into the jury room
9 and advise the other jurors with respect to medicine.
10 She has told us she is acquainted with one of the
11 experts who may testify in the case. I am going to
12 excuse the doctor for cause.

13 THE CLERK: Challenges for cause, People, one
14 through ten?

15 MR. BIANCAVILLA: No.

16 THE CLERK: Challenges for cause, one through
17 ten by defense counsel?

18 MR. CHAMBERLAIN: Number one, Judge.

19 THE COURT: Yes, he did say that he would be
20 more inclined to believe police officers. I will grant
21 that.

22 MR. BIANCAVILLA: Judge, may I be heard
23 briefly? I don't think you'll have a juror in this
24 courtroom who is not going to say they are more
25 inclined to believe police officers.

Voir Dire - Court

1 My point is this. Given -- people are, of
2 course, going to be more inclined to believe police
3 officers no matter what the questions are.

4 The question is, can they be fair and
5 impartial judging the testimony and reject what's
6 unreasonable. I think all of them, especially
7 Mr. Contorno said, when I gave him that example of what
8 is reasonable and what is unreasonable, he specifically
9 said that he would be able to accept what is reasonable
10 and disregard what is unreasonable, whether or not it
11 came from a police officer or a civilian. He said he
12 would apply the same tests. I think that's what's
13 important here, Judge. Otherwise, number one, we will
14 never get a jury.

15 THE COURT: I disagree with that,
16 Mr. Biancavilla.

17 MR. BIANCAVILLA: All right.

18 THE COURT: I'll hear you in a minute
19 Mr. Chamberlain. My notes are he would be sympathetic
20 to police officers and he would favor them.

21 Mr. Chamberlain?

22 MR. CHAMBERLAIN: First of all, I disagree
23 with the example Mr. Biancavilla used, the example
24 regarding circumstantial evidence.

25 MR. BIANCAVILLA: Then you missed the point

Voir Dire - Court

1 of the example.

2 MR. CHAMBERLAIN: The way he phrased the
3 example, it's not the proper criteria for credibility.
4 Would you give additional credibility simply because
5 they are police officers, that's my understanding. He
6 clearly indicated he would.

7 THE COURT: I am excusing Mr. Contorno.

8 MR. CHAMBERLAIN: Number two, Judge, he said,
9 I can't say --

10 THE COURT: He would be pro-police and take
11 the police version. I agree with you. It's granted.

12 MR. CHAMBERLAIN: Mr. Whelan, same thing.

13 THE COURT: Mr. Whelan told us he couldn't
14 focus because he's concerned about his class with the
15 Regents coming up. I will grant that for cause.

16 MR. CHAMBERLAIN: I believe -- I'm going with
17 number five, Miss Repetto. I believe she indicated she
18 would have a problem focusing on this case at the
19 conclusion of Mr. Biancavilla's voir dire. I didn't
20 get into it.

21 THE COURT: That's not my notes here. She
22 did say that two weeks would be a long time but to many
23 of us it would be a long time. She didn't say she
24 couldn't be a fair and impartial juror.

25 MR. BIANCAVILLA: I agree, Judge.

Voir Dire - Court

1 THE COURT: I am going to deny that request
2 for cause.

3 MR. CHAMBERLAIN: Number seven -- wait a
4 minute, Judge. Yes, seven. He was very clear that he
5 would give the police greater credibility.

6 THE COURT: I understand that his
7 brother-in-law is a retired chief of homicide.
8 However, your questions had to do with professionalism,
9 if I recollect.

10 MR. BIANCAVILLA: Judge, he said he would
11 fairly evaluate them.

12 MR. CHAMBERLAIN: This case will turn on
13 whether the police have the right person and why they
14 have the right person. If he believes the police
15 officers simply because they are police officers -- he
16 said I have to believe the police are going to do the
17 right thing.

18 MR. BIANCAVILLA: He didn't say that, Judge.

19 THE COURT: I believe he was talking about
20 the police officer's professionalism. It is a
21 profession, police officer. I don't agree with you
22 with respect to that. In Nassau County, as we are
23 seeing as we pick this jury, almost everybody has
24 relatives who are police officers, correction officers,
25 probation officers.

Voir Dire - Court

1 The important point that has to be delved
2 into is whether they can be fair and impartial with
3 respect to this case. I believe -- I disagree with
4 respect to they can't be fair and impartial. I believe
5 he responded he could be. I am denying that request.

6 MR. CHAMBERLAIN: I respectfully except.

7 THE COURT: You have an exception, of course.

8 MR. BIANCAVILLA: Judge, if I may interject
9 for a moment, you already excused Kuster for cause,
10 nine, the one who has to go to the bathroom. We
11 discussed that before.

12 THE COURT: I don't know if we were on the
13 record at that point.

14 MR. BIANCAVILLA: You said you would wait
15 until after.

16 THE COURT: Yes.

17 MR. BIANCAVILLA: I just wanted to make sure.

18 MR. CHAMBERLAIN: I don't think that's
19 correct.

20 THE COURT: Why don't we wait for an
21 application then.

22 MR. BIANCAVILLA: Judge, we addressed this
23 before we broke and you specifically said you were
24 going to excuse him. You just didn't want to do it at
25 that time.

Voir Dire - Court

1 THE COURT: I said that.

2 MR. CHAMBERLAIN: And you asked if I consent
3 and I said no.

4 THE COURT: I don't recall that.

5 MR. CHAMBERLAIN: Before we broke, Judge, the
6 reason you asked me -- the reason you took the break
7 was because -- there may be grounds on the record here.

8 Judge, don't worry about it. I'll consent.
9 Let's get rid of him. That's not what happened, Judge.
10 The reason we took the break -- that's why I went back
11 and asked more questions.

12 THE COURT: Let's make this clear for the
13 record Mr. Kuster told us up one side and down the
14 other he can't be fair on this case. I don't want to
15 put words in Mr. Biancavilla's mouth, but I did say I
16 would excuse him off the record. I assume he would
17 have made the application for cause if I didn't say
18 that.

19 MR. CHAMBERLAIN: All right. He made it. I
20 consent.

21 THE COURT: Then we can move on.

22 MR. CHAMBERLAIN: I'm telling you I did go
23 back and voir dire him because I did not consent
24 before. That's why we took the break and I went back
25 to voir dire him, but I will consent.

Voir Dire - Court

1 THE CLERK: Nine is excused?

2 THE COURT: Yes.

3 MR. CHAMBERLAIN: I am going to move on
4 number ten as well.

5 THE COURT: Reason, please.

6 MR. CHAMBERLAIN: Yes, Judge. My notes
7 indicate -- I don't know, she said I don't know, in
8 answer to a question about whether she could be fair,
9 and, finally, she said she couldn't be fair and
10 impartial. That's my notes, the young lady, number
11 ten.

12 MR. BIANCAVILLA: I don't remember her saying
13 that, Judge. She had a problem with the time but I
14 don't remember her saying anything about not being able
15 to be fair and impartial.

16 THE COURT: I have an indication in my notes
17 she said she can't sit on a murder case. Based on
18 that, I will excuse her for cause.

19 THE CLERK: Further challenges for cause by
20 defense counsel, number one through ten.

21 THE COURT: Are you finished,
22 Mr. Chamberlain?

23 MR. CHAMBERLAIN: Yes, Judge.

24 THE CLERK: People, perempt on four, five,
25 six or seven?

Voir Dire - Court

1 MR. BIANCAVILLA: Four.

2 THE COURT: Anybody else?

3 MR. BIANCAVILLA: No.

4 THE COURT: Mr. Chamberlain, five, six and
5 seven remain, peremptory challenges for any of them?

6 MR. CHAMBERLAIN: Seven, Judge.

7 THE COURT: Five and six are remaining.

8 MR. CHAMBERLAIN: I'm using it on five also.

9 THE COURT: Okay. Six will be sworn; is that
10 correct?

11 MR. CHAMBERLAIN: Yes.

12 THE CLERK: People, challenges for cause,
13 numbers 11 through 14?

14 MR. BIANCAVILLA: No.

15 THE CLERK: Defense counsel, any challenges
16 for cause 11 through 14?

17 MR. CHAMBERLAIN: I am going to go on 12,
18 Judge.

19 THE COURT: Initially he said that he would
20 be -- when Mr. Biancavilla spoke with him, he said if
21 he found something the police said was unreasonable, he
22 would disregard it.

23 MR. CHAMBERLAIN: Right. He has police
24 relatives and he did say he would side, but when he I
25 went back at him at the end, he said he would try. But

Voir Dire - Court

1 I believe his final position was he would have trouble
2 disregarding police officers. I believe that was his
3 last statement.

4 THE COURT: Mr. Biancavilla?

5 MR. BIANCAVILLA: I think he said he could
6 evaluate it fairly and apply the same tests for
7 civilians and police. I don't think he said he would
8 favor the police at any time during his
9 cross-examination.

10 THE COURT: I did at the beginning.

11 MR. BIANCAVILLA: I rehabilitated him.

12 THE COURT: The only thing you rehabilitated
13 him to was with respect -- if something unreasonable
14 came forward. But if it was reasonable, if the police
15 officer said something reasonable, and the police
16 officer did, he would side with the police officer.

17 MR. BIANCAVILLA: He didn't say that. He did
18 not say that. Obviously the reason why you reject
19 testimony is if it's unreasonable in light of all the
20 other facts. That's specifically in your jury
21 instruction. It's specifically in there.

22 If somebody says I'm going to reject it
23 because it's unreasonable, of course they find it
24 unreasonable, which flies in the face of logic. It's
25 part of your instructions when you are testing

Voir Dire - Court

1 credibility.

2 MR. CHAMBERLAIN: He said he would try, that
3 he guessed he could.

4 THE COURT: I'm going to excuse him.

5 MR. CHAMBERLAIN: Miss Christenson, 13, she
6 said she can't be fair.

7 THE COURT: I don't think she said that at
8 all.

9 MR. BIANCAVILLA: I don't think so either.
10 She was the one who said she didn't like bikers. A lot
11 of us don't like things, but she said she could be fair
12 and impartial.

13 MR. CHAMBERLAIN: There are going to be
14 bikers in this case. All the bars on Main Street in
15 this crime scene area, every one of them are Pagan
16 bars.

17 MR. BIANCAVILLA: That's nonsense. There's
18 not a biker in this case.

19 MR. CHAMBERLAIN: The victim herself, there's
20 information she was a biker girl. She was a Pagan
21 girl.

22 MR. BIANCAVILLA: This is pure nonsense.

23 THE COURT: I saw nothing that would convince
24 me she couldn't be fair and impartial. She assured us
25 she could be fair and impartial in this case. That's

Voir Dire - Court

1 denied.

2 THE CLERK: Do the People wish to exercise
3 any peremptories on 11, 13 or 14?

4 MR. BIANCAVILLA: No.

5 THE CLERK: Defense counsel, peremptory on
6 11, 13 or 14?

7 MR. CHAMBERLAIN: No.

8 THE COURT: Well, six, 11, 13 and 14 will be
9 sworn. We'll have them come back Monday morning. We
10 will break at this point until 2:30.

11 (Whereupon, the following took place in open
12 court.)

13 THE CLERK: May I have your attention,
14 please. The following jurors have been selected to
15 serve on this jury: Denise Sawyer will be juror number
16 three; Gary Schor will be juror number four; Janet
17 Christenson will be juror number five; Martha Barkman
18 will be juror number six.

19 If I did not call your name, you are excused
20 with the thanks of the Court. Gather your personal
21 belongings and step out of the box. Follow the
22 instructions of the court officer.

23 THE COURT: Counsel, approach the bench,
24 please.

25 (Whereupon, the following took place at the

Voir Dire - Court

1 bench out of the hearing of the defendant and
2 prospective jurors.)

3 THE CLERK: Are the jurors satisfactory to
4 the People?

5 MR. BIANCAVILLA: Yes.

6 THE CLERK: Are the jurors satisfactory to
7 the defense?

8 MR. CHAMBERLAIN: Satisfactory, Judge.

9 (Whereupon, four jurors were duly sworn by
10 the clerk.)

11 THE COURT: Ladies and gentlemen, at this
12 point we are going to break. To the four sworn jurors,
13 you will be excused until Monday morning at 9:30. You
14 do not have to report tomorrow.

15 Those in the back, we will start at 2:30.

16 Do not discuss the case amongst yourselves or
17 with anyone else. Keep an open mind. Do not form or
18 express any opinions until the entire case has been
19 completed.

20 Do not read or listen to any accounts of the
21 case should they be reported in the media. Do not
22 visit or view any place or premises that have been
23 mentioned.

24 You are not to permit any party to discuss
25 the case with you or attempt to influence you, and you

Voir Dire - Court

1 must promptly report to the Court any violation
2 thereof.

3 Those jurors coming back, have a nice lunch.
4 To the other four sworn jurors, we'll see you Monday
5 morning.

6 (Whereupon, a luncheon recess was taken.)

7 A F T E R N O O N S E S S I O N

8 (Whereupon, the prospective jurors entered
9 the courtroom and resumed their respective seats.)

10 THE COURT: Good afternoon, ladies and
11 gentlemen.

12 In order to save a little bit of time, we are
13 going to change the procedure just a little bit. As
14 you have all heard, this case is going to take
15 approximately two weeks to complete. I want anybody --
16 and these are the only people I want to approach the
17 bench at this point, are those who, for a legitimate
18 reason, cannot stay for a two week period. I'm telling
19 you right now, ladies and gentlemen, it has to be for a
20 reason. You'll come up one at a time. You'll follow
21 the court officers.

22 Ladies and gentlemen I want to make this very
23 specific. There are only three acceptable reasons for
24 you to approach the bench; you have plain tickets and
25 are going away on vacation and you can show them to me;

Voir Dire - Court

1 two, you are a sole practitioner or proprietor and you
2 have a job where your store would have to close as a
3 result of that; and child care, somebody who normally
4 has a child care problem where they would normally stay
5 at home taking care of a child.

6 Now, you can approach. Everybody else.
7 Please sit down.

8 (Whereupon, the following took place at the
9 bench outside the hearing of the prospective jurors and
10 defendant.)

11 PROSPECTIVE JUROR: Stewart Center.

12 THE COURT: Yes, sir?

13 PROSPECTIVE JUROR: I have a 92 year old
14 father and 88 year old mother, both who are ill. I
15 have signed a lease at the Gershwin Geriatric Center
16 starting May 1st. I gave them a substantial deposit
17 and paid the May rent. I was scheduled to go to
18 Florida to bring them up north. I postponed until next
19 week thinking I wanted to fulfill my obligation because
20 I knew my commitment, but I can't postpone further.

21 THE COURT: When are you going down to
22 Florida?

23 PROSPECTIVE JUROR: I was going to go next
24 week.

25 THE COURT: Do you have plane tickets?

Voir Dire - Court

1 PROSPECTIVE JUROR: No. I fly Jet Blue.

2 THE COURT: Let me ask you this. Is it
3 possible for you to postpone it again? I have to ask
4 you that question.

5 PROSPECTIVE JUROR: He just got out of the
6 hospital after two and a half weeks in the hospital. I
7 have to get him up to Gershwin and I'm the only one
8 that can do it.

9 THE COURT: Thank you. Have a seat.
10 Counsel?

11 MR. BIANCAVILLA: Consent.

12 MR. CHAMBERLAIN: Consent.

13 THE COURT: Your name, sir?

14 PROSPECTIVE JUROR: Frank Sketsy.

15 I just had a triple bypass. Yesterday when I
16 went to my car, five, six times I had to stop and walk.

17 THE COURT: You are telling me you are unable
18 to --

19 PROSPECTIVE JUROR: Yes, that's one. Number
20 two, I have prostrate trouble. As far as going to the
21 bathroom here, I know it's not problem. I am awake all
22 night. If I get three hours of sleep all night, that's
23 a lot. Most of the day I'm beat. Number three, half
24 the things you said, I didn't hear.

25 MR. BIANCAVILLA: People consent.

Voir Dire - Court

1 MR. CHAMBERLAIN: Consent.

2 THE COURT: Next. Your name?

3 PROSPECTIVE JUROR: Gerard Ciguera.

4 I am a shop steward for the carpenters union.

5 If I'm out of work for two weeks, I will be laid off

6 from the job. Someone else will fill my position. I

7 had to wait almost two months for this job.

8 THE COURT: You're in construction?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: You muster up and they send you
11 out?

12 PROSPECTIVE JUROR: When you get laid off,
13 your name goes on a list and you wait for it be called
14 again. Right now there's very little work. I'll be
15 waiting approximately two months for my next job, as I
16 did for this job.

17 I don't get paid for any days I'm not at
18 work. We get no sick days, no holidays, nothing. When
19 you work in construction, you don't get paid. I have
20 three kids, one starts college next fall. Missing two
21 weeks, or actually a month, would literally break me.
22 I live hand to mouth now.

23 THE COURT: Okay.

24 MR. BIANCAVILLA: Consent.

25 MR. CHAMBERLAIN: Consent.

Voir Dire - Court

1 THE COURT: Your name?

2 PROSPECTIVE JUROR: Martin Senzon.

3 I have plain tickets for May 13th. I am
4 going to San Francisco on a convention.

5 THE COURT: Do you have nonrefundable
6 tickets?

7 THE DEFENDANT: Yes.

8 THE COURT: What business are you in?

9 PROSPECTIVE JUROR: Life insurance.

10 THE COURT: Counsel?

11 MR. CHAMBERLAIN: Consent.

12 MR. BIANCAVILLA: Consent.

13 THE COURT: Next. Your name?

14 PROSPECTIVE JUROR: Vincent Dicicco.

15 I am a hundred percent commissioned employee.
16 I'm a broker. It's very difficult.

17 MR. BIANCAVILLA: Consent.

18 MR. CHAMBERLAIN: Consent.

19 THE COURT: Next. Your name?

20 PROSPECTIVE JUROR: Clarisa Rasinski.

21 I have tickets to go to Miami on the 13th and
22 am returning the 19th.

23 THE COURT: Vacation?

24 THE DEFENDANT: Yes.

25 THE COURT: Counsel?

Voir Dire - Court

1 MR. BIANCAVILLA: Consent.

2 MR. CHAMBERLAIN: Consent.

3 PROSPECTIVE JUROR: Thank you, very much.

4 THE COURT: Have a seat.

5 Next. Your name?

6 PROSPECTIVE JUROR: Nicholas Shotofsky.

7 I go to college Nassau Community College
8 part-time.

9 THE COURT: What do you do the rest of the
10 time?

11 PROSPECTIVE JUROR: Landscaping and waiter.

12 THE COURT: How many credits are you taking?

13 PROSPECTIVE JUROR: Eleven.

14 THE COURT: How many days a week are you
15 going to school?

16 PROSPECTIVE JUROR: Three.

17 MR. CHAMBERLAIN: Consent.

18 MR. BIANCAVILLA: Consent.

19 THE COURT: Next. Your name?

20 PROSPECTIVE JUROR: Paula Magatin.

21 My 11 year old is on steroids and needs
22 therapy. I need to be out of work and home with her.

23 THE COURT: Are you a full time employee?

24 PROSPECTIVE JUROR: Yes. My daughter is six
25 now.

Voir Dire - Court

1 THE COURT: You won't be working either?

2 PROSPECTIVE JUROR: No.

3 THE COURT: What's wrong with your daughter?

4 PROSPECTIVE JUROR: She has asthma.

5 THE COURT: Is she presently at home as a
6 result of the asthma attack?

7 PROSPECTIVE JUROR: She's in and out. My
8 parents came back from vacation to take care of her.

9 MR. BIANCAVILLA: Consent.

10 MR. CHAMBERLAIN: Consent.

11 THE COURT: Next. Your name?

12 PROSPECTIVE JUROR: Margaret Kollmer.

13 I'm a nurse in the hospital and other nurses
14 are covering for me. I think two weeks would be a
15 hardship.

16 THE COURT: Do you understand there's a lot
17 of people who have to serve, judges, lawyers? They
18 have to cover for each other.

19 PROSPECTIVE JUROR: I realize that.

20 THE COURT: Do you get paid if you are not
21 working?

22 PROSPECTIVE JUROR: I don't know.

23 THE COURT: Who do you work for?

24 PROSPECTIVE JUROR: Visiting nurse services
25 in the Brooklyn area.

Voir Dire - Court

1 THE COURT: Are you getting paid for today?

2 PROSPECTIVE JUROR: I hope so.

3 THE COURT: The problem is everybody has to
4 serve. Our chief judge has, as well as two judges here
5 in the County Court. It's a hardship for everybody.

6 Counsel, questions?

7 MR. BIANCAVILLA: No.

8 MR. CHAMBERLAIN: No.

9 THE COURT: Have a seat for a moment.

10 Next, please? What is your name?

11 PROSPECTIVE JUROR: Nick Scadaro.

12 I am retiring from the Long Island Railroad
13 after 28 years, June 1st. My last date of work is
14 May 21st. Prior to that, I have to be at work to get
15 my paperwork in order and I have to put in for a job at
16 a higher rate of pay when I retire. My mother just
17 came home from Winthrop hospital with a stint on
18 Monday. I thought it would be a few days and I'd serve
19 my time, like I have always done. Honestly, my head is
20 not here right now. I have to be there a week before
21 May 21st to sign my papers.

22 THE COURT: Counsel, questions?

23 MR. BIANCAVILLA: No. Consent.

24 MR. CHAMBERLAIN: Consent.

25 THE COURT: Next. What is your name?

Voir Dire - Court

1 PROSPECTIVE JUROR: Borwen Huang.

2 I'm the owner of my company and I have to
3 take care of the company.

4 THE COURT: What type of business.

5 PROSPECTIVE JUROR: Imports.

6 THE COURT: Do you have employees?

7 PROSPECTIVE JUROR: Eight.

8 THE COURT: If you are not there, like
9 today --

10 PROSPECTIVE JUROR: My wife is taking care
11 but we have four kids.

12 THE COURT: She usually doesn't work with you
13 full time?

14 PROSPECTIVE JUROR: Sometimes I take care of
15 them. Two weeks is way too much. Three, four days,
16 maybe.

17 THE COURT: Counsel, questions?

18 MR. BIANCAVILLA: No.

19 MR. CHAMBERLAIN: No.

20 THE COURT: Have a seat for a moment.

21 What is your name?

22 PROSPECTIVE JUROR: Kitty Chan.

23 My manager called me yesterday, tell me we
24 are going through a head count reduction in the office
25 which means lay offs. What that means is I have people

Voir Dire - Court

1 working for me I have to go back and see who I'm going
2 to lay off and find out if I am being laid off. I have
3 nine, ten people working for me.

4 THE COURT: Is this something that could be
5 done in the evening?

6 PROSPECTIVE JUROR: There's a lot of
7 discussion. I have been on the phone in the morning,
8 at lunch time. For my team, it's very disruptive if,
9 as the manager, I'm not there.

10 THE COURT: Questions, counsel?

11 MR. BIANCAVILLA: No questions.

12 MR. CHAMBERLAIN: No questions.

13 THE COURT: What is your name?

14 PROSPECTIVE JUROR: Herbert Lempel.

15 I'm a physician, solo practice. This is a
16 hardship. I have an office in Forest Hills.

17 THE COURT: What type of medicine?

18 PROSPECTIVE JUROR: General practice.

19 THE COURT: Other jurors that have come up
20 that are professionals, I have told them too, doctors,
21 lawyers, judges, everybody has to sit on jury duty.

22 Do you have someone covering you right now?

23 PROSPECTIVE JUROR: Not today, actually. I
24 am going back there tonight.

25 THE COURT: Counsel?

Voir Dire - Court

1 MR. BIANCAVILLA: No questions.

2 MR. CHAMBERLAIN: Consent, as far as I'm
3 concerned.

4 MR. BIANCAVILLA: Consent.

5 THE COURT: Next? What is your name?

6 PROSPECTIVE JUROR: Brenda Alberti.

7 THE COURT: You said you would like to speak
8 to the judge?

9 PROSPECTIVE JUROR: I don't know. My son was
10 harassed by Pagans.

11 THE COURT: Your son was harassed by who?

12 PROSPECTIVE JUROR: By Pagans.

13 THE COURT: I understand that counsel brought
14 up the question, but that's not one of the reasons I
15 asked you come up here.

16 PROSPECTIVE JUROR: I thought --

17 THE COURT: At this point, we are only doing
18 people who can't stay for the two weeks. Have a seat
19 for a moment and we'll get to you when you're in the
20 box.

21 Next. What is your name?

22 PROSPECTIVE JUROR: Madeline Parra.

23 I have a condition I get once in a while.

24 The doctor told me I can go back to work. I am taking
25 medications. I'm a social worker and I'm neglecting my

Voir Dire - Court

1 clients.

2 THE COURT: Aren't there other social workers
3 there?

4 PROSPECTIVE JUROR: I have been out more than
5 a week. I went back Monday. I am supposed to get
6 stronger. With this I will be having a lot of stress.

7 THE COURT: That wasn't one of the three
8 reasons I asked you to approach. At this point I'll
9 ask you to take a seat and we'll take it up when you
10 are called in the box.

11 PROSPECTIVE JUROR: I won't be excused?

12 THE COURT: Not yet. The attorneys will have
13 an opportunity to question you.

14 (Whereupon, the following took place in open
15 court.)

16 THE CLERK: May I have your attention,
17 please?

18 The following jurors have been excused from
19 this panel with the thanks of the Court: Herbert
20 Lempel; Nicholas Scadaro; Paula Magatin; Nicholas
21 Shotofsky; Clarisa Rasinsky; Vincent Diccico; Martin
22 Senzon; Gerard Ciquera; Frank Sketsy; Stewart Center.

23 If you heard your name, please gather your
24 personal belongings. You are excused with the thanks
25 of the Court. Follow the instructions of the court

Voir Dire - Court

1 officer. If you did not hear your name, please remain
2 seated.

3 Once again, jurors, if you hear your name
4 called, please step up with your personal belongings.
5 Have your questionnaires ready to hand to the court
6 officers and follow their instructions: Elizabeth
7 Enright, seat number one; Margaret Carey, seat number
8 two; Diane Capobianco, seat number three; Thomas Y.
9 Chung, seat number four; Lisa M. Bravo, seat number
10 five; Barnett Behrenfeld, seat number six; Vincent
11 Alima, seat number seven; Lynn Lamarca, seat number
12 eight; Alex C. Thomas, seat number nine; Robert A.
13 Piazza, seat number 10; Madeline Parra, seat number 11;
14 Margaret Kollmer, seat number 12; Kitty C. Chan, seat
15 number 13; Borwen Huang, seat number 14.

16 THE COURT: Good afternoon, ladies and
17 gentlemen. We are ready to continue with the voir dire
18 process.

19 We'll start with Elizabeth Enright. How are
20 you today?

21 PROSPECTIVE JUROR: Fine.

22 THE COURT: You have to speak up.

23 PROSPECTIVE JUROR: Fine.

24 THE COURT: You said you have a neighbor who
25 was a -- what's that, a retired New York City police

Voir Dire - Court

1 officer?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: And you also served on a state
4 trial jury, right?

5 PROSPECTIVE JUROR: Civil court.

6 THE COURT: A civil case?

7 PROSPECTIVE JUROR: Yes, but it settled out
8 of court.

9 THE COURT: You also checked off victim of a
10 crime, property theft.

11 PROSPECTIVE JUROR: I was mugged and had
12 property stolen about ten years ago.

13 THE COURT: Now, you've heard all the
14 questions that were asked of all the other potential
15 jurors. Is there anything you want to tell us?

16 Can you be a fair and impartial juror in this
17 case?

18 PROSPECTIVE JUROR: I can try.

19 THE COURT: You can't be equivocal. I think
20 so is equivocal. You have heard everything I said
21 prior to this. Of course there's no right or wrong
22 answer here. Can you be a fair and impartial in this
23 case?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Thank you.

Voir Dire - Court

1 Margaret Carey?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: How are you?

4 PROSPECTIVE JUROR: Very good.

5 THE COURT: You have friends and relatives in
6 law enforcement?

7 PROSPECTIVE JUROR: My brother is an
8 attorney.

9 THE COURT: What type of law does he
10 practice?

11 PROSPECTIVE JUROR: Corporate. He works on
12 the New York Stock Exchange.

13 THE COURT: You said you -- it seems you were
14 in federal court on a jury and civil trial, you wrote.
15 The federal case, was that criminal or civil?

16 PROSPECTIVE JUROR: Criminal.

17 THE COURT: Did you get to deliberate in that
18 case?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Did you reach a verdict?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Was it a good jury experience?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: And the civil trial, did you
25 reach a verdict in that case?

Voir Dire - Court

1 PROSPECTIVE JUROR: No. That was dismissed.

2 THE COURT: Victim of a crime, you checked
3 off. Can you tell us about that, please?

4 PROSPECTIVE JUROR: About seven or eight
5 months ago my house was robbed.

6 THE COURT: Do you mean burglarized?

7 PROSPECTIVE JUROR: Right.

8 THE COURT: Was anybody caught?

9 PROSPECTIVE JUROR: No. I knew who it was
10 and was able to get the things returned.

11 THE COURT: So you didn't go to court?

12 PROSPECTIVE JUROR: No.

13 THE COURT: You've heard all the questions
14 asked of the other jurors. Can you be a fair and
15 impartial juror in this case?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Thank you.

18 Diane Capobianco, right?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: You have to speak up.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: You also have friends or
23 relatives in law enforcement. Tell us about that.

24 PROSPECTIVE JUROR: My brother, Nassau County
25 police, about 30 years. He retired two years ago. He

Voir Dire - Court

1 worked here in headquarters and he was with public
2 information. Also my daughter's father, my next-door
3 neighbor. Police are all over in the family.

4 THE COURT: You checked off victim of a
5 crime. Can you tell us about that?

6 PROSPECTIVE JUROR: My husband's business was
7 burglarized many times.

8 THE COURT: Also party to a civil case.

9 PROSPECTIVE JUROR: I don't remember checking
10 that off.

11 THE COURT: You checked yes to that.

12 PROSPECTIVE JUROR: I'm sorry.

13 THE COURT: You meant to check no. We'll
14 forgive you.

15 You have heard all the questions we have
16 asked. Is there anything you want to tell us?

17 Can you be a fair and impartial juror in this
18 case?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Thank you.

21 Thomas Chung, how are you, sir?

22 PROSPECTIVE JUROR: I'm okay.

23 THE COURT: You checked off victim of a
24 crime. Tell us about that.

25 PROSPECTIVE JUROR: I was mugged at gunpoint

Voir Dire - Court

1 about four years ago in a parking lot.

2 THE COURT: Was anybody caught as a result of
3 that crime.

4 PROSPECTIVE JUROR: I don't think so.

5 THE COURT: You didn't go to court?

6 PROSPECTIVE JUROR: No.

7 THE COURT: You've heard all the questions
8 asked. Is there anything you want to tell us?

9 Can you be fair and impartial juror?

10 PROSPECTIVE JUROR: I have a tendency to have
11 a bias against police officers.

12 THE COURT: Against police officers?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Was that as a result of a
15 particular problem with a police officer.

16 PROSPECTIVE JUROR: Yes, several incidents
17 that happened to me, and I have heard a lot of stories
18 from others.

19 THE COURT: You heard the list of police
20 officers who may be testifying in this case. Were any
21 of those police officers ones that you have had a
22 problem with?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Can you assure us that you can
25 keep separate the incident that you had with respect to

Voir Dire - Court

1 that police officer in the past and sitting and being a
2 fair and impartial juror on this case?

3 PROSPECTIVE JUROR: I will try.

4 THE COURT: Are you telling us under no
5 circumstances you can do that, as I explained to many
6 of the jurors before, a police officer has to be
7 treated just like any other witness, exactly the same.
8 Can you assure us that you can do that?

9 PROSPECTIVE JUROR: Like I said, I have a
10 tendency to have bias against them.

11 THE COURT: Thank you.

12 Lisa Bravo.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: You have checked off quite a few
15 things. Friends and relatives in law enforcement?

16 PROSPECTIVE JUROR: My brother is a housing
17 police officer in the Bronx and I have two cousins, one
18 with Queens Auto Crime and one with the Queens Street
19 Crime.

20 THE COURT: Victim, witness to a crime?

21 PROSPECTIVE JUROR: Thirteen years ago my
22 next-door neighbor was murdered in her apartment while
23 she slept.

24 THE COURT: You understand the allegations in
25 this case. Would that be a problem for you?

Voir Dire - Court

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: When you say it's a problem, can
3 you put aside what happened to your next-door neighbor
4 and just listen to this case with respect to the facts
5 and the law as I give it to you?

6 PROSPECTIVE JUROR: I don't think so, no.

7 THE COURT: You also checked off some other
8 things. Do you want to tell us from there?

9 PROSPECTIVE JUROR: My brother-in-law had an
10 assault against him and he was actually convicted. We
11 went through the whole process.

12 THE COURT: Was that here in Nassau County?

13 PROSPECTIVE JUROR: No. It was in the Bronx.

14 THE COURT: As a result of that, would that
15 create a problem for you sitting on a criminal case?

16 PROSPECTIVE JUROR: That, no.

17 THE COURT: You also checked off party to a
18 civil case. Can you tell us about that?

19 PROSPECTIVE JUROR: My husband got sued in a
20 car accident but it settled.

21 THE COURT: Thank you.

22 Barnett Behrenfeld?

23 PROSPECTIVE JUROR: That's right.

24 THE COURT: How are you?

25 PROSPECTIVE JUROR: Fine.

Voir Dire - Court

1 THE COURT: Now, you checked off that you
2 served on a grand jury.

3 PROSPECTIVE JUROR: A grand jury and a
4 criminal case.

5 THE COURT: Now, you know, with respect to
6 the grand jury -- first of all, was that here in Nassau
7 County?

8 PROSPECTIVE JUROR: Yes. Yes.

9 THE COURT: Do you understand there's a
10 different standard of proof with respect to the grand
11 jury, as there is with respect to a petit jury, which
12 is what you are being screened for now? Did you get to
13 deliberate on the criminal case?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Did you reach a verdict?

16 PROSPECTIVE JUROR: Hung jury.

17 THE COURT: You checked off victim of a
18 crime. Do you want to tell us about that?

19 PROSPECTIVE JUROR: My son's jewelry store
20 was robbed two years ago.

21 THE COURT: Was anybody caught?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Did you attend any of the court
24 proceedings?

25 PROSPECTIVE JUROR: No. It was out in

Voir Dire - Court

1 Suffolk County.

2 THE COURT: You also checked party to a civil
3 case.

4 PROSPECTIVE JUROR: Yeah, I sued my school
5 district after one of my sons was seriously hurt in a
6 school accident.

7 THE COURT: Is that pending?

8 PROSPECTIVE JUROR: No.

9 THE COURT: There's something else you
10 checked off. Can you tell us about it?

11 PROSPECTIVE JUROR: I would rather come up.

12 THE COURT: We will call you up at the end.
13 Vincent Alima?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: You are a police officer?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: You are in New York City, Nassau,
18 Suffolk?

19 PROSPECTIVE JUROR: New York City.

20 THE COURT: How long have you been a police
21 officer?

22 PROSPECTIVE JUROR: Nine years.

23 THE COURT: As you know, there will be many
24 police officers testifying in this case?

25 PROSPECTIVE JUROR: Correct?

Voir Dire - Court

1 THE COURT: Will that be a problem for you?

2 PROSPECTIVE JUROR: If I don't know them?

3 THE COURT: You heard the list.

4 PROSPECTIVE JUROR: I would have to see the
5 faces. I belong to a couple of organizations where you
6 run into people and you just recognize their faces.

7 THE COURT: So it is a possibility, although
8 you don't recognize them by name, as they walk up to
9 the witnesses stand you may know that person?

10 PROSPECTIVE JUROR: Correct.

11 THE COURT: Witness to a crime, was that as a
12 police officer?

13 PROSPECTIVE JUROR: Yes, and I was the victim
14 of a crime. My house was burglarized about ten, twelve
15 years ago. And when I was a little boy, I was the
16 victim of a robbery.

17 THE COURT: Now, you checked off also you
18 have a bad back and knee.

19 PROSPECTIVE JUROR: That's correct.

20 THE COURT: Can't sit still when you -- you
21 have to get up every so often.

22 PROSPECTIVE JUROR: I'm on painkillers now.

23 THE COURT: Can you still understand
24 everything that's going on here today?

25 PROSPECTIVE JUROR: Yes.

Voir Dire - Court

1 THE COURT: I didn't ask you, where do you
2 work, which precinct?

3 PROSPECTIVE JUROR: 76th Precinct in
4 Brooklyn.

5 THE COURT: Motor patrol --

6 PROSPECTIVE JUROR: No. I'm in the precinct.

7 THE COURT: Can you be a fair and impartial
8 juror in this case?

9 PROSPECTIVE JUROR: Yes, I can.

10 THE COURT: Thank you.

11 Lynn Lamarca?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: How are you?

14 PROSPECTIVE JUROR: Good.

15 THE COURT: You checked off you have two
16 cousins. One is retired and one works in Queens. I'm
17 not sure what that says.

18 PROSPECTIVE JUROR: Emergency services. I
19 work in a jewelry store and we have security and we
20 have a lot of emergency service policeman that I work
21 with.

22 THE COURT: When you say emergency service,
23 is that the ambulance?

24 PROSPECTIVE JUROR: No. They were at 9-11.
25 They pulled people out of cars.

Voir Dire - Court

1 THE COURT: You mean the Specialty Bureau of
2 the New York City Police Department?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: You checked off you sat on a
5 civil jury.

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: It's been a while ago?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Did you deliberate?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Did you reach a verdict?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Was it a good jury experience?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Victim of a crime?

16 PROSPECTIVE JUROR: My house was burglarized,
17 car stolen, two cars were broken into.

18 THE COURT: Did you have to go to court?

19 PROSPECTIVE JUROR: No. They never found out
20 who did it.

21 THE COURT: You heard all the questions asked
22 of the other jurors. Is there anything you want to
23 tell us?

24 Can you be a fair and impartial juror?

25 PROSPECTIVE JUROR: I believe so, but I'm not

Voir Dire - Court

1 comfortable with a murder case. I would rather sit on
2 a civil case.

3 THE COURT: You're saying any criminal case
4 would give you a problem?

5 PROSPECTIVE JUROR: I believe so, yeah.

6 THE COURT: Thank you.

7 Alex Thomas?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: How are you?

10 PROSPECTIVE JUROR: Fine.

11 THE COURT: Now, you were on a jury once
12 before, civil jury?

13 PROSPECTIVE JUROR: Yeah.

14 THE COURT: Did you get to deliberation?

15 PROSPECTIVE JUROR: No.

16 THE COURT: You heard all the questions that
17 were asked. Is there anything you want to tell us?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Can you be a fair and impartial
20 juror in this case?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Thank you.

23 Robert Piazza?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: You don't have a brother who

Voir Dire - Court

1 plays for the Mets, do you?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: Just figured I would check.

4 Maybe a cousin?

5 PROSPECTIVE JUROR: No.

6 THE COURT: You have friends in law
7 enforcement.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Could you tell us about that
10 please?

11 PROSPECTIVE JUROR: I work for a
12 municipality. Many of my coworkers are police
13 officers. In addition to that, I, also, in a separate
14 capacity serve as consultant to a local police
15 department.

16 THE COURT: When you say consultant, what do
17 you mean by that?

18 PROSPECTIVE JUROR: I manage their computer
19 systems.

20 THE COURT: Which police department is this?

21 PROSPECTIVE JUROR: The Glen Cove Police
22 Department.

23 THE COURT: You were an alternate in a civil
24 jury trial?

25 PROSPECTIVE JUROR: Yes, I was.

Voir Dire - Court

1 THE COURT: You did not get to deliberation?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: You also checked off victim of a
4 crime. Can you tell us about that?

5 PROSPECTIVE JUROR: My brother was mugged 20
6 years ago.

7 THE COURT: And party to a civil case?

8 PROSPECTIVE JUROR: Tax payer lawsuit in my
9 capacity as a municipal employee.

10 THE COURT: You checked off one other thing.
11 Can you tell us from there?

12 PROSPECTIVE JUROR: I would prefer not to.

13 THE COURT: We'll have you approach at the
14 end.

15 Marlene Parra, how are you?

16 PROSPECTIVE JUROR: Not good.

17 THE COURT: Why?

18 PROSPECTIVE JUROR: Because of what I told
19 you, your Honor. I was very sick.

20 THE COURT: Are you all right now?

21 PROSPECTIVE JUROR: Physically, I'm not
22 feeling comfortable.

23 THE COURT: You told us the doctor okayed you
24 to go back to work.

25 PROSPECTIVE JUROR: He said Monday I can go

Voir Dire - Court

1 back to work. I am taking medication. I am not
2 feeling I should be here, really.

3 THE COURT: Right now are you not feeling
4 well?

5 PROSPECTIVE JUROR: I am very weak and
6 recovering from the last week. I was sick the whole
7 week.

8 THE COURT: I understand that. You told us
9 that.

10 PROSPECTIVE JUROR: Two hard days for me,
11 yesterday and today, back and forth, back and forth,
12 very hard for me. Last night I went home and I had
13 such a headache I just wanted to go to bed. This
14 morning I didn't feel like getting up and coming here.
15 I am not feeling in a good disposition right now. My
16 body and my mind --

17 THE COURT: You're telling me you don't want
18 to be here?

19 PROSPECTIVE JUROR: It's not because I don't
20 want to. It's because my body and mind are not a
21 hundred percent good.

22 THE COURT: You're telling you are not able
23 to give your attention and focus to this case?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Thank you.

Voir Dire - Court

1 Margaret Kollmer?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: You checked off friends in law
4 enforcement, or relatives.

5 PROSPECTIVE JUROR: I have two cousins who
6 were police officers. One was a detective in Nassau
7 County but they are both retired.

8 THE COURT: You also served on a grand jury?

9 PROSPECTIVE JUROR: Yes, Federal in New York
10 City.

11 THE COURT: Was that in Brooklyn?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Manhattan?

14 PROSPECTIVE JUROR: Manhattan.

15 THE COURT: You understand that the burden of
16 proof is different for the grand jury, as it is for a
17 petit jury?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: You've heard all the questions
20 that were asked. Is there anything else you want to
21 tell us?

22 PROSPECTIVE JUROR: No. I just think I'll
23 have trouble making a decision hearing only one side.
24 I understand one side will have testimony. I think
25 I'll have a problem with that.

Voir Dire - Court

1 THE COURT: You understand that no inference
2 can be drawn from the defendant not testifying and the
3 burden is on the People. As that man sits there, he's
4 innocent and the burden is on the prosecutor to prove
5 his guilt beyond a reasonable doubt. Can you follow
6 the law as I would charge it to you? Can you follow
7 that?

8 PROSPECTIVE JUROR: Yes, but to get both
9 sides, to me, would be a better way to make a judgment.

10 THE COURT: You're telling us that if you
11 don't hear both sides you would not be able to make a
12 fair and reasonable determination as a juror?

13 PROSPECTIVE JUROR: I feel it would be a
14 problem.

15 THE COURT: Thank you.

16 Kitty Chan?

17 PROSPECTIVE JUROR: Hi.

18 THE COURT: You checked off a close friend is
19 a judge. Where does that judge sit?

20 PROSPECTIVE JUROR: He is a New York State
21 Supreme Court judge.

22 THE COURT: In Nassau?

23 PROSPECTIVE JUROR: No. Queens.

24 THE COURT: You checked off also victim of a
25 crime. Was that burglary?

Voir Dire - Court

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Was that yourself?

3 PROSPECTIVE JUROR: When I was living with my
4 parents in Queens, our house was burglarized twice.

5 THE COURT: Did you go to court for that?

6 PROSPECTIVE JUROR: They never found anybody.

7 THE COURT: Also party to a civil case.

8 PROSPECTIVE JUROR: I would like to approach
9 for that.

10 THE COURT: We'll do that at the end.

11 Borwen Huang?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: I understand that you are in the
14 import business.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: And you told us before that you
17 were the sole proprietor of your business.

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Can the business run without you
20 being there?

21 PROSPECTIVE JUROR: Couple days may be okay.
22 But two week, may be too hard.

23 THE COURT: You checked off victim of a
24 crime.

25 PROSPECTIVE JUROR: Business got burglarized

Voir Dire - Court

1 and car got broke in twice.

2 THE COURT: Now, you've heard all the
3 questions that were asked. Can you be a fair and
4 impartial in this case?

5 PROSPECTIVE JUROR: I can.

6 THE COURT: Thank you.

7 Counsel, approach the bench, please.

8 (Whereupon, the following took place at the
9 bench outside the hearing of the prospective
10 jurors and defendant.)

11 THE COURT: Barnett Behrenfeld, please
12 approach, number six.

13 Sir, you asked to approach?

14 PROSPECTIVE JUROR: Yes. My son, when he was
15 in college cut off an off duty out of uniform police
16 officer in his car. The police officer chased him,
17 accosted him, and arrested him for driving under the
18 influence of drugs, hit and run, and resisting arrest.

19 THE COURT: Where was this?

20 PROSPECTIVE JUROR: A block from my house.

21 THE COURT: Here in Nassau County?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: As a result of this incident, do
24 you hold any sort of animosity towards police officers
25 in general or just this particular police officer?

Voir Dire - Court

1 PROSPECTIVE JUROR: Well, there is more than
2 this one police officer involved because he called for
3 assistance. They wrote up a police report that
4 indicated that my son's car was severely damaged in the
5 accident. It was sitting in the police impound lot
6 without a scratch on it. I couldn't get an officer
7 from the desk to go out and look at the car.
8 Eventually all charges were dismissed.

9 THE COURT: You feel that -- let me ask this
10 way. You have heard the list of police officers that
11 may testify in this case. Were any of those police
12 officers the ones that were involved with your son?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Can you put aside the incident
15 that happened with your son and be fair and impartial
16 in this case?

17 PROSPECTIVE JUROR: I could put aside the
18 incident but I'm very critical of the demeanor of a
19 police officer. If he comes across to me that he's not
20 telling the truth, I will reject everything he says.

21 THE COURT: You, as the trier of facts, will
22 make determinations with respect to credibility. But
23 there are numerous factors I will charge you on at the
24 end of the case that you should consider. Do you
25 promise to follow the law with respect to determining

Voir Dire - Court

1 credibility?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: So you can be fair and impartial?

4 PROSPECTIVE JUROR: I can.

5 THE COURT: Thank you. Have a seat.

6 (Whereupon, the prospective juror returned to
7 his seat.)

8 THE COURT: Robert Piazza?

9 Yes, sir.

10 PROSPECTIVE JUROR: Yes, sir. I don't know
11 if it's relevant, but in February of this year and last
12 week I was interviewed by Mr. Traeger's office.

13 THE COURT: In what capacity?

14 PROSPECTIVE JUROR: In the first case, there
15 was an allegation of a criminal act. And the second
16 case -- all of them having to do with my municipal
17 employment. I imagine there will be another allegation
18 similar to the tax payer lawsuit.

19 THE COURT: You say interviewed. What do you
20 mean?

21 PROSPECTIVE JUROR: If you want me to be
22 specific --

23 THE COURT: I don't want you to say anything
24 that you feel shouldn't be on the record --

25 PROSPECTIVE JUROR: The first time when

Voir Dire - Court

1 Mr. Daily from Mr. Traeger's office called me and
2 informed me I was the target of criminal
3 investigation --

4 MR. CHAMBERLAIN: Whose office?

5 MR. BIANCAVILLA: My office.

6 THE COURT: Counsel --

7 MR. BIANCAVILLA: What position do you hold?

8 PROSPECTIVE JUROR: Superintendent of street
9 maintenance, City of Long Beach.

10 MR. CHAMBERLAIN: You're an employee of the
11 City of Long Beach but a consultant for the police
12 department of Glen Cove; is that correct?

13 PROSPECTIVE JUROR: That's correct, yes.

14 THE COURT: Have a seat for a moment.

15 (Whereupon, the prospective juror returned to
16 his seat.)

17 Counsel, do we have consent that we can
18 excuse Mr. Piazza?

19 MR. CHAMBERLAIN: Yes.

20 MR. BIANCAVILLA: Yes.

21 THE COURT: Miss Chan, you asked to approach?

22 PROSPECTIVE JUROR: My husband is being sued
23 in a civil case. I was trying to get my daughter out
24 of the car at Home Depot and there was this lady
25 driving through. I had to throw my daughter back in

Voir Dire - Court

1 the car to avoid -- you know, and my sister got in
2 front of the car and she continued to drive and my
3 husband was trying to catch her attention. She
4 continued to drive and the side-view mirror knocked
5 into his body and broke and now she's suing us.

6 THE COURT: That case is pending now in court
7 somewhere?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: As a result of that case that's
10 pending, do you have a problem being a fair impartial
11 juror in this case?

12 PROSPECTIVE JUROR: Not because of that, but
13 because of what's going on at work, I will be
14 distracted. People's jobs are on line. I feel I
15 should be there to determine who should be laid off.
16 My own job is not secure so I will be distracted.

17 MR. BIANCAVILLA: People consent.

18 THE COURT: Do you have questions?

19 MR. CHAMBERLAIN: I just have to say I hate
20 too consent when we have a pretty juror, but I will
21 consent.

22 THE COURT: You'll be excused. Have a seat
23 for a moment.

24 (Whereupon, the prospective juror returned to
25 her seat.)

Voir Dire - Court

1 MR. BIANCAVILLA: Judge, for the record, with
2 respect to Mr. Chung, he's also -- he's made several
3 comments against police officers. I think it's clear.
4 My point is, any further questioning by Mr. Chamberlain
5 regarding any incidents he may have been a witness to
6 or heard is going to, basically, taint this entire
7 room. My point is the minute he starts questioning on
8 that, I am going to ask the rest of the panel be
9 excused.

10 THE COURT: I don't know what he is going to
11 ask. I can't tell him not to try to rehabilitate him.

12 MR. BIANCAVILLA: My point is, with respect
13 to Mr. Chung, he's clearly and unequivocally said to
14 you on your questioning --

15 THE COURT: Quite a few times.

16 MR. BIANCAVILLA: I think any attempt to
17 rehabilitate him, if Mr. Chamberlain gets into it, I'm
18 not even going to question him, my point, anything he
19 asks him will taint the entire room and then I will ask
20 the entire room be excused for cause. I am putting it
21 on the record so there's not a problem.

22 THE COURT: I understand your point.

23 MR. BIANCAVILLA: I'm not asking anything.

24 THE COURT: I understand your point.

25 Would you like to say anything?

Voir Dire - Court

1 MR. CHAMBERLAIN: Yes, I would, Judge.

2 Mr. Chung indicated he would try to be fair. That was
3 a lot more than juror --

4 THE COURT: I understand.

5 MR. CHAMBERLAIN: I want to be heard.

6 THE COURT: Go ahead.

7 MR. CHAMBERLAIN: Because I want to bring up
8 juror number five.

9 THE COURT: We're not bringing up five. We
10 are talking about juror number four.

11 MR. CHAMBERLAIN: My notes indicate he had a
12 tendency of bias against the police. He didn't say he
13 couldn't be fair and I think I have the right to probe
14 that.

15 THE COURT: I told you that you did. I will
16 permit you to do that. Thank you, counsel.

17 MR. CHAMBERLAIN: I would like too bring up
18 five.

19 THE COURT: Counsel, can we finish voir dire?
20 You'll have your opportunity to challenge for cause at
21 the proper time.

22 MR. CHAMBERLAIN: Five said I don't think I
23 can be a fair juror. I don't want Mr. Biancavilla
24 going back and talking about some of the things he
25 talked about or trying rehabilitate that.

Voir Dire - Court

1 THE COURT: Make objections and I'll
2 sustain --

3 MR. CHAMBERLAIN: I understand, but the
4 qualification of bias of police is not a hypothetical.

5 THE COURT: Mr. Chamberlain, I would tell
6 you -- I told you that you would be permitted to try to
7 rehabilitate. I understand Mr. Biancavilla's statement
8 on the record, however, I'm giving you the opportunity.
9 I don't know what you are going to ask him when you try
10 to rehabilitate him. We'll see.

11 I understand what he said. That's all I want
12 on the record at this point. You have a right to
13 question the witness during your time. Then we'll
14 entertain the applications for cause at the conclusion
15 of both yours and Mr. Biancavilla's voir dire.

16 MR. BIANCAVILLA: Why don't we consent to
17 four and five now and not waste time? Then we can fill
18 the box.

19 THE COURT: Mr. Chamberlain?

20 MR. BIANCAVILLA: Only if he'll consent.

21 MR. CHAMBERLAIN: I'm not ready to do that.

22 THE COURT: Let's go.

23 (Whereupon, the following took place in open
24 court.)

25 THE CLERK: The following jurors have been

Voir Dire - Court

1 excused from this panel with the thanks of the Court.
2 If I call your name, gather your belongings, step out
3 of the box and follow the instructions of the court
4 officers, Kitty Chan and Robert Piazza.

5 Frances Dtugokenski, seat number ten; Ruthena
6 Davenport, seat number 13.

7 THE COURT: Frances Dtugokenski forgive me if
8 I pronounce your name wrong.

9 PROSPECTIVE JUROR: Dtugokenski, the T is
10 silent. I had a hard time too.

11 THE COURT: Now, you placed on your
12 questionnaire that your son-in-law is a police officer?

13 PROSPECTIVE JUROR: Correct, in New York
14 City.

15 THE COURT: And you also were an alternate on
16 a civil trial?

17 PROSPECTIVE JUROR: Correct.

18 THE COURT: Now, you also checked off
19 something. Can you tell us from there?

20 PROSPECTIVE JUROR: No.

21 THE COURT: At the end I'll have you
22 approach.

23 Ruthena Davenport?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: How are you?

Voir Dire - Court

1 PROSPECTIVE JUROR: Okay.

2 THE COURT: Now, you checked off you have
3 relatives and friends in law enforcement. Can you tell
4 us about that please?

5 PROSPECTIVE JUROR: I have cousins. One of
6 the detectives that you named on the case, I know.

7 THE COURT: How well do you know that person?

8 PROSPECTIVE JUROR: Friends of the family.

9 THE COURT: Someone you see on a regular
10 basis?

11 PROSPECTIVE JUROR: Not lately, no.

12 THE COURT: Which detective is that?

13 PROSPECTIVE JUROR: Mullen.

14 THE COURT: Mullen?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Now, you also checked off victim
17 of a crime. Do you want to tell us about that?

18 PROSPECTIVE JUROR: I was mugged about 20
19 years ago and my grandmother was murdered by an
20 intruder.

21 THE COURT: Please try and keep your voice
22 up.

23 You checked off something else here. Can you
24 tell us from there?

25 PROSPECTIVE JUROR: No.

Voir Dire - Court

1 THE COURT: All right.

2 Miss Dtugokenski come forward.

3 Counsel, come forward to the bench.

4 (Whereupon, the following took place at the
5 bench outside of the hearing of the prospective
6 jurors and defendant.)

7 THE COURT: You checked off victim a crime.

8 PROSPECTIVE JUROR: My step brother was
9 convicted. He was an accomplice to a murder about 20
10 years ago. His friend and himself were high on drugs.
11 They robbed a house and in the middle of the robbery
12 the teenage son came home and Charles wanted to leave
13 but the friend said --

14 THE COURT: You know the allegations in this
15 indictment are murder. Do you think that you would be
16 able to sit as a fair and impartial in a murder case?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Now, you have heard all the
19 questions asked of the other jurors. Is there anything
20 you want tell us?

21 PROSPECTIVE JUROR: No.

22 THE COURT: You can be fair and impartial?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Thank you. Have a seat.

25 (Whereupon, the prospective juror returned to

Voir Dire - Court

1 her seat.)

2 THE COURT: Miss Davenport, come forward.

3 You said -- you checked off convicted
4 of a crime.

5 PROSPECTIVE JUROR: It was my uncle. It was
6 self-defense but he murdered one and he was on trail
7 and he did time.

8 THE COURT: He was convicted of murder?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Was that in Nassau County?

11 PROSPECTIVE JUROR: No.

12 THE COURT: You know that the allegations in
13 the indictment here are murder. Do you think you would
14 be able to be a fair and impartial juror on a murder
15 case knowing your uncle was convicted?

16 PROSPECTIVE JUROR: No.

17 THE COURT: You don't think you would be able
18 to do this?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Counsel, questions?

21 MR. BIANCAVILLA: No.

22 MR. CHAMBERLAIN: No, Judge.

23 (Whereupon, the prospective juror returned to
24 her seat.)

25 THE COURT: Consent.

Voir Dire - Court

1 MR. BIANCAVILLA: Yes.

2 MR. CHAMBERLAIN: Yes.

3 MR. BIANCAVILLA: Judge, while we are up
4 here, do you want to excuse Miss Parra?

5 THE COURT: On consent, I would be glad to.
6 Also Mrs. Kollmer, 12, who said she needs to hear both
7 side of the story. I'm looking to move this along.

8 MR. CHAMBERLAIN: I agree with the district
9 attorney. I'll consent on both.

10 THE COURT: Okay. Then let's excuse them.
11 Let me get the numbers.

12 MR. BIANCAVILLA: While we are up here, since
13 we are just filling seats, how about Huang, 14, the
14 sole proprietor of a business who said that being away
15 for a two week period will be a hardship? I consent to
16 that also.

17 MR. CHAMBERLAIN: Can we agree on 14 and five
18 who said they didn't think they could be a fair juror?
19 I want a joint agreement.

20 THE COURT: I'm looking. I am asking, with
21 respect to 14. If you don't want to consent, that's up
22 to you.

23 MR. BIANCAVILLA: Since he wants to play
24 let's make a deal, I would consent to four, five and
25 14.

Voir Dire - Court

1 MR. CHAMBERLAIN: I don't want --

2 THE COURT: Counsel, take a seat.

3 MR. CHAMBERLAIN: Judge, I'll go with the
4 last one.

5 MR. BIANCAVILLA: Fourteen is fine.

6 THE COURT: Counsel, this is a very serious
7 matter. If I have consent from both of you, that's
8 fine. But I don't want to play let's make a deal.

9 MR. CHAMBERLAIN: Judge --

10 THE COURT: Excuse me. I'm talking to both
11 of you. I think I have made myself clear now.

12 Do we have consent with respect to 14?

13 MR. BIANCAVILLA: Yes, Judge.

14 MR. CHAMBERLAIN: Yes, Judge.

15 (Whereupon, the following took place in open
16 court --

17 THE CLERK: The following jurors have been
18 excused from this panel with the thanks of the Court;
19 Margaret Kollmer, Borwen Huang, Ruthena Davenport,
20 Marlene Parra. If I called your name, gather your
21 personal belongings and step out of the box and follow
22 the instructions of the court officers.

23 Brenda Aliberti, seat number 11; Robert
24 Hilkebrand, seat number 12; Enid Winefsky, seat number
25 13; Gene Hodermarsky, seat number 14.

Voir Dire - Court

1 THE COURT: Brenda Alberti?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: How are you?

4 PROSPECTIVE JUROR: Okay.

5 THE COURT: You checked off your husband,
6 brother and friends are members of law enforcement?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Where is that?

9 PROSPECTIVE JUROR: New York.

10 THE COURT: And also victim a crime?

11 PROSPECTIVE JUROR: I would like to discuss
12 that privately but they also stole a car from me.

13 THE COURT: We'll call you up at the end.

14 Robert Hilkebrand?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: You checked off law enforcement.
17 Can you tell us about that?

18 PROSPECTIVE JUROR: My uncle, who is dead
19 now, was a New York City Transit cop and two of my
20 sons -- my son is 29 years old. Two of my son's
21 friends are cops.

22 THE COURT: You checked off -- you said you
23 were on a civil and criminal trial but you said you're
24 not sure, you took too long and were released by the
25 judge so you didn't deliberate.

Voir Dire - Court

1 PROSPECTIVE JUROR: On the criminal, yes, I
2 did. I don't know how many years ago that was. It was
3 a rape case.

4 THE COURT: Did you reach a verdict?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: You checked off victim of a
7 crime. Can you tell us about that please?

8 PROSPECTIVE JUROR: My brother-in-law's
9 father was brutally murdered about 15 years ago.

10 THE COURT: Now, you understand what the
11 charges are here?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Would that be a problem for you?

14 PROSPECTIVE JUROR: Yes, it would be.

15 THE COURT: You wouldn't be able to sit on a
16 murder case?

17 PROSPECTIVE JUROR: Not the way this man was
18 killed, no.

19 THE COURT: Okay.

20 So you're telling us you wouldn't be able to
21 be a fair and impartial juror?

22 PROSPECTIVE JUROR: I'm pretty sure I
23 couldn't, Judge. We went in the house and --

24 THE COURT: Let me just ask the question so
25 I'm hundred percent sure. Is there any possibility

Voir Dire - Court

1 that you could put aside what happened to your
2 brother-in-law's father, put that aside and decide this
3 case solely upon the evidence you hear and the law I
4 give you?

5 PROSPECTIVE JUROR: I don't think so, no.

6 THE COURT: Thank you.

7 Enid Winefsky?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: How are you?

10 PROSPECTIVE JUROR: Good.

11 THE COURT: You checked off victim?

12 PROSPECTIVE JUROR: My car was stolen from my
13 place of work.

14 THE COURT: Was anybody caught?

15 PROSPECTIVE JUROR: They found the car.

16 THE COURT: You didn't have to go to court?

17 PROSPECTIVE JUROR: No.

18 THE COURT: You heard all the questions
19 asked. Can you be a fair and impartial juror in this
20 case?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Thank you.

23 Gene Hodermarsky, how are you?

24 PROSPECTIVE JUROR: Good.

25 THE COURT: You checked -- you have a lot

Voir Dire - Court

1 of -- let me ask you, generally, you heard all the
2 questions asked. Can you be a fair and impartial juror
3 in this case?

4 PROSPECTIVE JUROR: I think I would have a
5 problem if the defendant doesn't testify.

6 THE COURT: Even though I tell you the law,
7 that the burden is on the People to prove the
8 defendant's guilt?

9 PROSPECTIVE JUROR: I view it if they are not
10 willing to tell their side of the story, they are
11 probably hiding something.

12 THE COURT: If you didn't hear both sides,
13 you couldn't be a fair and impartial, is that what you
14 are saying?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Counsel, approach the bench.

17 (Whereupon, the following took place at the
18 bench outside the hearing of the prospective
19 jurors and defendant.)

20 THE COURT: Brenda Aliberti, come forward.

21 You asked to approach?

22 PROSPECTIVE JUROR: Yesterday they mentioned
23 the Pagans, a motorcycle group, and he comes from
24 Farmingdale. I live close to there, but my son was
25 harassed a couple of years ago by that group.

Voir Dire - Court

1 THE COURT: Those are just questions.

2 PROSPECTIVE JUROR: I know, but I don't
3 believe I could be open minded about the whole thing.
4 Nothing this group --

5 THE COURT: Say, for argument's sake, the
6 Pagans have nothing to do with this case, there's no
7 evidence with respect to that, will you be able to be a
8 fair and impartial juror?

9 PROSPECTIVE JUROR: It's already in my mind
10 and I heard about the case. We know it happened. I
11 live right in the area. I am in that area all the
12 time. I shop in that area.

13 THE COURT: You are telling us you can't put
14 aside what you heard about this case?

15 PROSPECTIVE JUROR: Yes. I'm being honest.
16 I don't want to send somebody, you know --

17 THE COURT: You feel you cannot be a fair and
18 impartial juror?

19 PROSPECTIVE JUROR: Right.

20 (Whereupon, the prospective juror returned to
21 her seat.)

22 THE COURT: Counsel, questions?

23 MR. CHAMBERLAIN: I'll consent, Judge.

24 MR. BIANCAVILLA: Yes, consent.

25 Just a suggestion, why don't we, on cause, 14

Voir Dire - Court

1 and 15, and fill the last two seats with those people.

2 MR. CHAMBERLAIN: I didn't hear.

3 THE COURT: Counsel, I understand that you
4 will consent to excusing for cause prospective jurors
5 12 and 14; is that correct?

6 MR. BIANCAVILLA: Correct.

7 MR. CHAMBERLAIN: Correct.

8 (Whereupon, the following took place in open
9 court.)

10 THE CLERK: The following jurors have been
11 excused with the thanks of the Court. If I call your
12 name, gather your personal belongings and step out of
13 the box: Brenda Alberti, Robert Hilkebrand, Gene
14 Hodermarsky.

15 William Geoghan, seat number 11; Ronald
16 Hipschman.

17 THE COURT: Ladies and gentlemen, at this
18 time we are going to take a short break.

19 Do not discuss the case amongst yourselves or
20 with anyone else. Keep an open mind. Do not form or
21 express any opinions until the entire case has been
22 completed.

23 Do not read or listen to any accounts of the
24 case should they be reported in the media. Do not
25 visit or view any place or premises that have been

Voir Dire - Court

1 mentioned.

2 You are not to permit any party to discuss
3 the case with you or attempt to influence you, and you
4 must promptly report to the Court any violation
5 thereof.

6 (Whereupon, a brief recess was taken.)

7 (Whereupon, the prospective jurors entered
8 the courtroom and resumed their respective seats.)

9 THE COURT: William Geoghan?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: I said that correctly?

12 PROSPECTIVE JUROR: Absolutely.

13 THE COURT: Now, you have friends in law
14 enforcement. Can you tell us about that?

15 PROSPECTIVE JUROR: My dad was a lawyer and
16 my grandfather was the district attorney of Brooklyn in
17 the '30s.

18 THE COURT: What type of attorney was your
19 father?

20 PROSPECTIVE JUROR: Trial lawyer.

21 THE COURT: Civil or criminal?

22 PROSPECTIVE JUROR: Civil.

23 THE COURT: You checked off party to a civil
24 case.

25 PROSPECTIVE JUROR: About 30 years ago, I was

Voir Dire - Court

1 in a car accident. I sued and it was settled out of
2 court.

3 THE COURT: You heard the questions asked of
4 the potential jurors. Anything you want to tell us?

5 Can you be fair and impartial?

6 PROSPECTIVE JUROR: Yes, I can.

7 THE COURT: Ronald Hipscham?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You have friends and relatives in
10 law enforcement?

11 PROSPECTIVE JUROR: A life-long friend is a
12 police officer up in Rocklyn County. I live in Floral
13 Park and we have our own police department and the
14 sergeant grew up next door to us. I've known him since
15 I was a kid.

16 THE COURT: Victim of a crime?

17 PROSPECTIVE JUROR: My brother 12, 15 years
18 ago, he had a jewelry store in Freehold, New Jersey,
19 armed robbery. The fellow who did it was killed in a
20 shoot out with police afterwards.

21 THE COURT: You also served on a criminal
22 trial?

23 PROSPECTIVE JUROR: Nassau, right here.

24 THE COURT: Here in County Court?

25 PROSPECTIVE JUROR: Yes.

Voir Dire - Court

1 THE COURT: Did you deliberate?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Did you reach a verdict?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: You also were on a grand jury?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: You heard all the questions asked
8 of all the other jurors.

9 PROSPECTIVE JUROR: Several times.

10 THE COURT: I'm sure you did. One last time
11 is there anything you want to tell us?

12 Can you be a fair and impartial juror?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Thank you.

15 Mr. Biancavilla.

16 MR. BIANCAVILLA: Thank you, Judge.

17 (Whereupon, voir dire examination, not
18 stenographically recorded, was conducted.)

19 (Whereupon, the following took place at the
20 bench outside of the hearing of the prospective jurors
21 and defendant.)

22 THE CLERK: People, challenges for cause,
23 numbers one through six?

24 MR. BIANCAVILLA: Number four, Mr. Chung.

25 THE COURT: Yes. He said he had a bias

Voir Dire - Court

1 against police officers. The best he could give us is
2 he would try to be fair which is equivocal.

3 MR. CHAMBERLAIN: I agree, but there's a lot
4 of people here that will be biased against police
5 officers. It might be nice to balance it.

6 THE COURT: That's not the standard, Mr.
7 Chamberlain. We're looking for people who can be fair
8 and impartial jurors. Four is granted.

9 MR. BIANCAVILLA: That's the only one for
10 cause.

11 THE CLERK: Defense counsel, challenges for
12 cause, one through six?

13 MR. CHAMBERLAIN: Bravo, number five.

14 THE COURT: She testified she had a problem
15 sitting on a murder case.

16 MR. CHAMBERLAIN: She also said I don't think
17 I can be a fair juror.

18 THE COURT: I'll grant that. I agree with
19 you.

20 THE CLERK: Further challenges for cause, one
21 through six by defense counsel?

22 MR. CHAMBERLAIN: No's.

23 THE CLERK: Do the People wish to exercise
24 any peremptory, one through six?

25 THE COURT: We have one, two, three and six

Voir Dire - Court

1 left.

2 MR. BIANCAVILLA: Yes, number six.

3 THE COURT: Anybody else?

4 MR. BIANCAVILLA: No.

5 THE COURT: Mr. Chamberlain, one, two and
6 three left for preempts.

7 MR. CHAMBERLAIN: One.

8 THE COURT: Okay.

9 MR. CHAMBERLAIN: Three.

10 THE COURT: Okay.

11 Just one through six, we are going to swear
12 number two, that's Miss Carey.

13 THE CLERK: People, challenges for cause,
14 number seven through 11?

15 MR. BIANCAVILLA: Judge, number eight said
16 she's not comfortable sitting on a murder case.

17 MR. CHAMBERLAIN: I agree.

18 THE COURT: We'll excuse her for cause.

19 THE CLERK: Challenges for cause, People?

20 MR. BIANCAVILLA: Seven through 11, no.

21 THE CLERK: Defense counsel, challenges for
22 cause, seven, nine, ten or 11?

23 MR. CHAMBERLAIN: No.

24 THE CLERK: Do the People wish to exercise a
25 peremptory challenge as to seven, nine, ten or 11?

Voir Dire - Court

1 MR. BIANCAVILLA: No.

2 THE CLERK: Defense counsel, do you wish to
3 exercise a peremptory challenge for seven, nine, ten or
4 11.

5 MR. CHAMBERLAIN: These are --

6 THE COURT: Peremptory.

7 MR. CHAMBERLAIN: Peremptory. I'm sorry.
8 Judge, can we go back? I missed Miss Alima on this
9 page on challenges for cause.

10 THE COURT: We have already heard from the
11 People with respect to preempts. We can't go back at
12 this point.

13 MR. CHAMBERLAIN: I will challenge number
14 seven.

15 THE CLERK: Any further challenges,
16 peremptory challenges by defense counsel on nine, ten
17 or 11?

18 MR. CHAMBERLAIN: I'll go with ten.

19 THE COURT: You are challenging ten
20 peremptorily?

21 MR. CHAMBERLAIN: Correct.

22 THE COURT: Anybody else?

23 MR. CHAMBERLAIN: No.

24 THE COURT: Number nine and 11, Mr. Thomas
25 and Mr. Geoghan will be sworn.

Voir Dire - Court

1 THE CLERK: Do the People have challenges for
2 cause, number 12 and 13?

3 MR. BIANCAVILLA: No.

4 THE CLERK: Defense counsel, challenges for
5 cause, 12 or 13?

6 MR. CHAMBERLAIN: Judge, my records indicate
7 number 13 indicated she would have a problem sitting on
8 a murder case.

9 THE COURT: I'll excuse her for cause.
10 That's my recollection also. Granted.

11 THE CLERK: Do the People wish to exercise a
12 peremptory challenge to number 12?

13 MR. BIANCAVILLA: Yes.

14 THE COURT: So we will swear Miss Carey,
15 Mr. Thomas and Mr. Geoghan.

16 (Whereupon, the following took place in open
17 court.)

18 THE CLERK: The following jurors have been
19 selected to serve on this jury: Margaret Carey will be
20 juror number seven; Alex C. Thomas will be juror number
21 eight; William Geoghan will be juror number nine.

22 If I did not call your name, you are excused
23 with the thanks of the Court. You may gather your
24 personal belongings and step out of the box. If I
25 called your name, remain seated.

Voir Dire - Court

1 Are the remaining jurors satisfactory to the
2 People?

3 MR. BIANCAVILLA: Yes.

4 THE CLERK: The defense?

5 MR. CHAMBERLAIN: Yes.

6 (Whereupon, three jurors were duly sworn by
7 the clerk.)

8 THE COURT: I'm now speaking to the three
9 newly sworn jurors. At this point we will excuse you
10 and ask you to be back here Monday morning at 9:30 a.m.
11 when we expect to start the trial. I am going to ask
12 you to get here a little bit early due to the fact
13 parking can be difficult. It is better you get here at
14 9:00 and then go out for coffee and report to where the
15 officers tell you to report.

16 Do not discuss the case amongst yourselves or
17 with anyone else. Keep an open mind. Do not form or
18 express any opinions until the entire case has been
19 completed.

20 Do not read or listen to any accounts of the
21 case should they be reported in the media. Do not
22 visit or view any place or premises that have been
23 mentioned.

24 You are not to permit any party to discuss
25 the case with you or attempt to influence you, and you

Voir Dire - Court

1 must promptly report to the Court any violation
2 thereof.

3 You must not converse amongst yourselves or
4 with anyone else. Keep an open mind. Do not form or
5 express any opinions until the entire case has been
6 completed.

7 Have a nice weekend and we will see you
8 Monday morning.

9 Counsel, we'll have a new panel tomorrow
10 morning at 9:30.

11 MR. CHAMBERLAIN: How many alternates are we
12 going pick?

13 MR. BIANCAVILLA: May I suggest four?

14 MR. CHAMBERLAIN: I would tend to agree.

15 THE COURT: We'll do that.

16 * * *

17 (Whereupon, the above matter was adjourned to
18 May 3rd, 2002.)
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